

are told today may be the day we will begin considering the bill. It is not available. I have not seen a bill. I have asked for it. It is not available. So a piece of legislation that will be probably 2,000 pages long, if it includes everything—the House version is 1,500 pages long but does not include the three major areas, that is text to be added later, I understand.

Mr. BYRD. The Senator is correct.

Mr. DORGAN. So we are talking about a proposal that will have some of the most profound changes we have seen in 30, 40, 50 years coming to the floor of the Senate later today, and it is now 20 minutes to 1 and it is not yet available, not yet written, not yet provided to Members of the Senate. Fifty hours is not enough. I support the Senator's amendment.

I have heard in the past people say, "Well, how can we legislate if we don't have access to what is being done here?"

The Senator from West Virginia comes from a rural State, as do I. This will contain, when it gets here, essentially, a new farm bill. We are required to write a farm bill every 5 years. This is a year to write a farm bill. It is now late October. We do not yet have a farm bill.

This will contain the structure of the new farm bill. It should not be here. That is a slap in the face at rural States. It is in there. Yet, like everything else, it will have a profound impact on a rural State and almost no opportunity will exist to get at it, to amend it, and to have a thoughtful, responsible debate about what farm policy will be in our country.

This will have a substantial impact on men and women all over this country who are trying to run a family-sized farm.

Does the Senator from West Virginia have a copy of the reconciliation bill yet, or has the Senator from West Virginia sought to get a bill?

Mr. BYRD. I have sought to get a copy and a copy is not available. I have in my hands a copy of the House reconciliation bill covering 1,563 pages. As the distinguished Senator from North Dakota has pointed out, there are three titles which are yet to be supplied.

I do not know what the size of the Senate reconciliation will be. It may be longer or shorter. I think the Senator is well within reason to expect at least 1,200 to 1,500 pages.

These will be changes of great magnitude—complex—in Medicare, Medicaid, and as the Senator has already said, farm legislation. Various and sundry laws will be repealed and amended which otherwise would perhaps require hours and hours or days, even, for debate on the Senate floor.

I will certainly be pleased to add the Senator's name to my amendment. I hope that Republicans will join in supporting this amendment because they, too, should be concerned about what we are doing here—enacting legislation

of this enormity without knowing what is in the legislation, without having an opportunity to adequately study it or amend it.

I thank the Senator for his willingness to join in the presentation.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GREGG].

#### TEMPORARY FEDERAL JUDGESHIP COMMENCEMENT DATES AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 1328, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1328) to amend the commencement dates of certain temporary Federal judgeships.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am pleased that the Senate is taking up S. 1328, a bill that amends the commencement dates of certain temporary judgeships that were created under section 203(c) of the Judicial Improvements Act of 1990 [Public Law 101-650, 104 Stat. 5101].

The minor adjustment embodied in this bill should improve the efficiency of the courts involved. This is not a controversial change, but it is a necessary one.

I am pleased to have Senators BIDEN, GRASSLEY, HEFLIN, SPECTER, SIMON, DEWINE, FEINSTEIN, and ABRAHAM as original cosponsors of this bill.

I also want to thank the Administrative Office of the U.S. Courts and the fine Federal judges, particularly Chief Judge Gilbert of the southern district of Illinois, who called to my attention the need for this legislative fix—and the need for it to be passed before December 1, 1995.

The Judicial Improvements Act of 1990 created the temporary judgeships at issue in two steps.

First, the 1990 act provided that a new district judge would be appointed to each of 13 specified districts.

Second, the act then provided that the first vacancy in the office of a district judge that occurred in those districts after December 1, 1995 would not be filled.

That two-step arrangement, which is typical in temporary judgeship bills, is required in order to ensure that the judge filling a temporary judgeship is still a full-fledged, permanent, article

III judge in accordance with the Constitution.

Thus, although a new judgeship in a given district has only a temporary effect, the individual judge appointed serves on a permanent basis in the same manner as any other article III judge.

It is the time between the appointment of a judge to a temporary judgeship and the point at which a vacant permanent judgeship is left unfilled that is key. That overlap is what effectively adds another judge to the district for a temporary period of time.

The 1990 act created the temporary judgeships in the following 13 districts: the northern district of Alabama, the eastern district of California, the district of Hawaii, the central district of Illinois, the southern district of Illinois, the district of Kansas, the western district of Michigan, the eastern district of Missouri, the district of Nebraska, the northern district of New York, the northern district of Ohio, the eastern district of Pennsylvania, and the eastern district of Virginia.

However, due to delays in the nomination and confirmation of many of the judges filling those temporary judgeships, many districts have had only a relatively brief period of time in which to take advantage of their temporary judgeship.

In the district of Hawaii and the southern district of Illinois, for example, new judges were not confirmed until October 1994. Other districts have faced similar delays.

Those delays mean that many of the temporary judgeships will be unable to fulfill congressional intent to alleviate the backlog of cases in those districts.

Many of the districts faced a particularly heavy load of drug enforcement and related matters. Those cases will not be absorbed adequately if the first judicial vacancy that occurs in those districts after December 1, 1995 must go unfilled.

This bill solves the problem by changing the second part of the temporary judgeship calculus.

The bill provides that the first district judge vacancy occurring 5 years or more after the confirmation date of the judge appointed to fill the temporary judgeship would not be filled.

In that way, each district would benefit from an extra active judge for at least 5 years, regardless of how long the appointment process took.

This will help alleviate the extra burden faced in those districts. The only district excluded from this treatment is the western district of Michigan. That district requested to be excluded because its needs will be met under the current scheme.

I also note that the judges from the affected districts have requested that this bill be enacted before December 1, 1995. After that date, some vacant judgeships will be unable to be filled under current law.

That is why this bill has some urgency. And that explains why the bill

has not gone to the Judiciary Committee, but was placed directly on the calendar.

I wish to clarify that for the benefit of my colleagues, who may not be so familiar with this measure, and who may have wondered why that was done.

As the list of original cosponsors shows, the Judiciary Committee supports the substance of this bill. I also note that there was no opposition from any Senator on the Judiciary Committee to placing S. 1328 on the calendar directly.

I see no reason for a prolonged debate on this noncontroversial measure, and I commend my colleagues on both sides of the aisle who have cooperated in moving this measure along.

I should also note that no one should confuse this bill with the Judicial Conference's request to Congress for additional judgeships. No one has yet to introduce that bill, and its merits have yet to be considered by the Judiciary Committee.

Finally, although this bill is needed because Congress in 1990 underestimated the timeframes involved in the confirmation process, the need for this bill is in no way a reflection on the speed with which Senator BIDEN, when he was chairman of the Judiciary Committee, or I as the current chairman, have proceeded with the judicial confirmation process.

This bill would have been necessary regardless of who was chairman of the Judiciary Committee. The nomination and confirmation process is a deliberate undertaking.

It has been my aim to have the Judiciary Committee process judicial nominees in a manner that is thorough, but also fair and expeditious.

Since January 1995, 8 circuit judges, 28 district court judges and 2 judges of the Court of International Trade have been confirmed.

Of the judicial nominees confirmed this Congress, it has taken only 70.85 days from the date a judge is nominated to the date he or she is confirmed by the full Senate.

That amounts to a speedier confirmation process in the Senate than occurred even when the Democratic Senate was charged with confirming Clinton nominees.

The committee has carried out what is arguably its most important task fairly and diligently in this session of Congress.

The upshot of this is that the courts are currently operating at nearly optimal levels. For example, there are only 11 unfilled circuit court seats in the Nation out of 179 permanent circuit court judgeships.

Adding both circuit and district court vacancies, there are only 57 vacancies unfilled out of the 828 judges of the Federal judiciary. This means that only 7 percent of all seats on the Federal bench are vacant.

When pending nominees are excluded, only 33 seats are open—just 5 percent of all seats.

While we intend to be very thorough in our consideration of nominees for lifetime judicial appointments, we recognize the priority of this constitutional mandate on the Senate.

I wish to thank my colleagues on the Judiciary Committee and in the Senate as a whole for their cooperation in the confirmation process, and I commend them for their accomplishments in this regard this Congress.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. HATCH. I would be happy to.

Mr. FORD. For a long time, three States have had split judges. The State of Kentucky has one, I think Missouri has a good many, and so does Oklahoma. The reason I ask the Senator this question is that we have the split judge driving from one end of the State to the other, and most of the judicial time that is needed in court is spent on the road. Until and unless we can have an additional judge, we will still have the split judge.

I think an amendment to eliminate the split judge and add one, even though the commission, as the Senator mentioned earlier—we have not considered its recommendations. I understand they recommended an additional judge to eliminate our split judge. That was withdrawn, and we fired off letters asking them to come back.

I believe this amendment would be germane. And, I intend, after we are offered the President's budget to approve and other things on this bill, to offer that amendment. I wanted to alert the Senator so he understands what I am concerned about.

Mr. HATCH. I do. Is the Senator intending to offer it on this?

Mr. FORD. I am hoping to offer it on this bill because this amendment is more germane to the bill than some of the other amendments we are going to get this afternoon.

Mr. HATCH. I would like the Senator to withhold. We are looking into adding additional judgeships. I believe before long, in the next year, we will probably pass a bill to add additional judgeships.

Mr. FORD. But I say to my good friend, into the next year we will have this one particular judge, and she will be driving from Ashland, KY, to Paducah, KY, from Louisville to Owensboro, and on the road. We have cases that are beginning to pile up, and it is no fault of the split judge.

So it is just very important that I at least get this out for people to think about, and I may introduce it. I have it prepared to introduce as an amendment to this bill. As I say, it will be more germane to this bill than other nonbinding amendments, sense-of-the-Senate resolutions that are going to be offered here this afternoon to try to make us walk the plank. We voted 99 to 0 on the one that is going to be offered next, I think.

So I just wanted to be sure that the Senator understood why I am doing it,

and not because of the Senator's position and my respect for the Senator.

Mr. HATCH. I appreciate that. I understand. I hope the Senator will withhold because I will certainly give every consideration to this and solving it in an expeditious manner.

Mr. FORD. It will probably be next year before we can get to it.

Mr. HATCH. Perhaps we may be able to do something before then.

Mr. FORD. This has been going on for a long time. We have been waiting for the commission's report. Then they withdrew that. So I waited for that without doing anything. Now I feel I am almost compelled for my constituents to be served by the Federal judiciary.

Mr. HATCH. Let us chat about it. Let us see what we can do.

Mr. FORD. I thank the Senator. I thank the Chair.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Thank you, Mr. President.

I simply want to thank my colleague from Utah for moving ahead with this bill. We face problems in two districts in Illinois, and this bill takes care of their problems, among others. I appreciate the leadership of my colleague from Utah on this.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 2943

(Purpose: To express the sense of the Senate regarding the President's revised federal budget proposal)

Mr. SANTORUM. Mr. President, I send an amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM) proposes an amendment numbered 2943.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. FORD. Mr. President, I object to dispensing with the reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Strike all after "SECTION", and insert in lieu thereof the following:

#### SENSE OF THE SENATE REGARDING THE PRESIDENT'S REVISED FEDERAL BUDGET.

(A) FINDINGS.—Congress finds that—

(1) On May 19, 1995, the United States Senate voted 99-0 to reject the Fiscal Year 1996 budget submitted by President Clinton on February 6, 1995.

(2) The President on June 13, 1995, after the House of Representatives and the Senate passed resolutions that the Congressional Budget Office said would result in a balanced federal budget in Fiscal Year 2002, revised his budget.

(3) The President said on June 13, 1995, and on numerous subsequent occasions, that this revised budget would balance the federal budget in Fiscal Year 2005.

(4) The President's revised budget, like the budget he submitted to Congress on February 6, 1995, took into account surpluses in

the Old Age, Survivors and Disability Insurance (OASDI) trust funds in calculating the deficit.

(5) President Clinton, in his address before a joint session of Congress on February 17, 1993, stated that he was "using the independent numbers of the Congressional Budget Office" because "the Congressional Budget Office was normally more conservative in what was going to happen and closer to right than previous Presidents have been."

(6) President Clinton further stated: "Let's at least argue about the same set of numbers, so the American people will think we're shooting straight with them."

(7) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$128 billion in Medicare through 2002 and \$295 billion through 2005.

(8) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$54 billion in federal Medicaid spending through 2002 and \$105 billion through 2005.

(9) The President has proposed savings of \$64 billion in "non-health entitlements by 2002 by reforming welfare, farm and other programs."

(10) The Congressional Budget Office estimated that the President's revised budget includes proposals that would reduce federal revenues by \$97 billion over seven years and \$166 billion over ten years.

(11) These proposed tax reductions are more than offset by the President's proposed Medicare savings.

(12) The Congressional Budget Office has determined that enactment of the President's proposal would result in deficits in excess of \$200 billion in each of fiscal years 1997 through 2005.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress shall enact the President's budget as revised on June 13, 1995.

Mr. SANTORUM addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair.

Mr. President, I offer this amendment. It is not the identical amendment that we voted on previously. The first amendment, sense-of-the-Senate amendment was on the President's first budget that he introduced back in February. This is on the revised Clinton budget that purports to balance the budget over the next 10 years. And the reason, if I may respond to the senior Senator from Kentucky, that I am introducing this is not to vote on the same thing we had before. If the President were not running around the country talking about how he has a balanced budget over 10 years, there would be no need for us to bring this to the Senate floor and have a debate exposing a phony balanced budget.

However, the President continues to go around the country saying, as he did on September 30, I have proposed a balanced budget plan that reflects our fundamental values. This is September 30, 1995. I am sure we can find hundreds of quotes as he has campaigned around the country where he has said that this budget comes into balance and reflects his values and all these things.

It may reflect his values. Principal among his values is he does not want to balance the budget because this does not balance the budget. It may reflect

other values in spending more money and all the other things that he wants to do, but fundamentally this budget does not balance. And so the President's actions are the reason we have decided to bring this amendment to the floor and debate this issue. I think we need to expose this budget for what it is and have a vote here on the Senate floor to determine whether we want to take the course the President would like to take us on, which is unbalanced budgets, according to the Congressional Budget Office, of \$200 billion or more for the next 10 years and beyond.

Let me read you what the Congressional Budget Office estimates the Clinton revised budget will result in. In 1996, the Clinton budget will produce a \$196 billion deficit; in 1997, a \$212 billion deficit; in 1998, a \$199 billion deficit; in 1999, a \$213 billion deficit; in the year 2002, a \$220 billion deficit; 2001, a \$211 billion deficit; 2002, a \$210 billion deficit; 2003, a \$207 billion deficit, and in 2004 and 2005, a \$209 billion deficit.

That is not a balanced budget. It is not a balanced budget in 10 years. It is not going to be a balanced budget in 20 years or 30 years or 40 years. It is a phony, and the President should stop running around trying to convince and fool the American public into believing that he has this grand scheme to balance the budget when in fact it does not balance, and to say that our reductions in spending are somehow mean spirited and draconian, that we do not have to do these things to balance the budget when he knows in fact that is probably the only way we are going to balance the budget is to do what we are suggesting.

And so that is why this amendment is here. It is here because the President refuses to come to Washington and solve the budget crisis and instead decides to run around this country and promote a phony balanced budget. We want to bring this phony balanced budget back to where it can be seen in the light of day and understand that this does not quite wash.

Now, the Democratic National Committee has the audacity to put on TV spots. Let me quote for you this TV spot that they have. "There are beliefs in values that tie Americans together. In Washington these values get lost in the tug of war. But what's right matters."

I agree; what is right does matter. "Work, not welfare, is right." In the budget reconciliation bill that will be in the Chamber tomorrow is a welfare reform bill that passed 87 to 12 on this floor. And it does require work and has strong bipartisan support. "Public education is right." Again, if you look at the budget reconciliation bill, very little of it—very little entitlement education spending. The bulk of the education spending is in the education appropriations bill, of which of the \$23 billion that we are going to spend this year, it is a reduction of \$400 million.

By the way, we spend in public education in this country \$400 billion. We

are talking about a reduction of one-tenth of 1 percent in the amount of money we spend on public education. That is hardly a draconian cut, one-tenth of 1 percent, in a system that everyone agrees could use a lot of belt tightening.

So we have public education I think pretty well in focus here. "Medicare is right." I agree; Medicare is right. Medicare deserves to be saved. We have the only proposal that is going to be put forward that saves Medicare, not just for this generation but future generations. And I would also remind you from the resolution's reading that the President's balanced budget, which does not balance, reduces the growth in Medicare more than his tax cut that is in his own bill. The same thing he, by the way, claims we are doing in our bill. So it is just a matter of degree, not a matter of direction. We believe that Medicare needs to be saved, not just for a year or two but for the long-term.

"A tax cut for working families is right," they say in the ad. Well, we have a tax cut for working families. Over 90 percent—listen to this—over 90 percent of the tax reductions in the Senate Finance Committee bill, the bill that is going to be in the Chamber, over 90 percent of the benefits go to families under \$100,000 in income. Over 70 percent of the benefits go to families under \$75,000 in income. That is our proposal. It is a very much middle-income, pro-family tax cut. And anyone who would like to claim otherwise is demagoging, not reading the specifics of the bill. Read the bill. Read the bill. It is pro family, pro growth, pro jobs, and pro balancing the budget.

Then it continues on. "There are values behind the President's balanced budget plan." A TV ad that calls the President's plan, that the Congressional Budget Office says is out of balance forever, they have a TV ad running now that says the President has a balanced budget plan. On national TV. Just out and out lying to the American public.

Now, you would say, well, maybe the Congressional Budget Office numbers are not the numbers we are going use, are not the numbers we should use. I would just remind you that the President was the one who said we should use the Congressional Budget Office. In his first State of the Union Address he came to the Congress, right in a joint session over on the House side and he stood up and said the Office of Management and Budget numbers have been wrong; they have been rosy; they have been exaggerating growth, underestimating inflation and they cannot be trusted. The only numbers we should use, so we can all talk about the same set of numbers, is the Congressional Budget Office numbers.

That is what he said. He promised. Now, I know it is going to probably strike people as absolutely incredible that the President would actually go back on one of his promises, but here

we have it again. The President promised to use the Congressional Budget Office, promised to use the same set of numbers, promised that he would shoot straight with the American public, promised. And then he comes forward with a phony balanced budget using trumped-up numbers, and the Congressional Budget Office, the one he promised to use, says you will have \$200 billion-plus deficits for as far as the eye can see. And then comes on the air with a TV ad saying that he has a balanced budget, lying—the Democratic National Committee lying—to the American public that the President has a balanced budget.

And you want to know who is telling the truth around here. I hear so much of the American public saying, well, who do we believe? I can understand why they say that. You had so much misinformation out here, so many deliberate distortions of what is going on in this Chamber that it is no wonder the American public just throws up their hands and says who do we believe? That is the strategy: Confuse, obfuscate, muddy the waters, do not let anybody know who is really right and who is really wrong. Do not tell the truth about what is going on here.

And here we have this Democratic National Committee television spot saying that there are values behind the President's balanced budget, values Republicans ignore; Congress should join the President and back these values so, instead of a tug of war, we can come together and do what is right for our families.

We are ready to come together. We are here with a balanced budget over 7 years. We are here with real changes. We are here with real solutions. We are here ready to engage with the President on a real budget, not run around and campaign on a phony budget that does not balance. I can tell you for those of us who were in the trenches making these tough decisions which we know affect millions of peoples' lives, it does not help the air of cooperation to have a President demagoging this issue so he can get elected in the next election and not be here in Washington to solve the problem. Someone should inform the President that he was elected to serve as President, not elected so he could run for reelection as President, but that his job is here to solve problems.

That is why I offer this amendment. I offer it to bring to light and to have a vote on the phony budget, and to see who supports phony budgeting around here, who supports trumped up, rosy scenarios, exaggerated growth, underestimated interest rates as a way to solve the budget. We have had that for years around here, frankly, from both administrations, Republican and Democrat, and I think everyone should be tired of it.

We should deal with the real numbers, conservative estimates, that get us to a balanced budget in a reasonable set of time, and that is 7 years. And I

am hopeful we can reject this amendment.

I will just remind everybody that I came up here on the floor Friday, Friday morning, and said I would have sitting at the desk, which it has been all week long, a copy of this resolution, and encouraged someone from the other side to offer it, to stand up and defend the President's budget. I said, "Come to the floor, pick it up, debate it. I will be here to debate the President's budget with you if you want to defend the President's budget. There is the resolution."

It is now the day before reconciliation, the day before the rubber hits the road, and no one did. So I decided to pick it up and offer it on behalf of the body. I cannot support the President's budget. It is a phony budget, but I think we should have a debate about it. I think those who want to defend what the President is doing, the posturing that he is taking, the politicization of this debate, the demagoging that has gone on, should feel free to defend it and show the American public what you are really for.

Let us find out what people in this Chamber are really for. Are we for a balanced budget or not?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2944 TO AMENDMENT NO. 2943

Mr. WELLSTONE. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2944 to amendment No. 2943.

The amendment is as follows:

Strike all after the first word and insert, in lieu thereof, the following:

In the event provisions of the FY 1996 Budget Reconciliation bill are enacted which result in an increase in the number of hungry or medically uninsured children by the end of FY 1996, the Congress shall revisit the provisions of said bill which caused such increase and shall, as soon as practicable thereafter, adopt legislation which would halt any continuation of such increase.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I did not realize that we were going to start the debate on what we call the reconciliation bill today. But if we are going to do so, then I want to have out on the floor what I think are an important set of concerns. And by the way, I think, Mr. President, they are the concerns of the vast majority of people in this country.

What this perfecting amendment says in the sense of the Senate is that if, in fact, as a result of this bill with the budget cuts, we see an increase in the number of hungry or medically uninsured children in America by the end

of fiscal year 1996, the Congress shall revisit the provisions of this bill which caused such an increase and shall adopt legislation which would halt the continuation of such an increase.

I expect to get 100 votes for this amendment, Mr. President. I have said many times on the floor of the Senate that it is quite one thing—I have heard my colleague from North Dakota say it better than I—it is quite one thing to talk about deficit reduction and a balanced budget. I do not believe there is a Senator that serves in the U.S. Senate, Democrat or Republican, who is proud of the decade of the 1980's-plus where we built up the debt and the interest on the debt. It is time to start paying off that interest on the debt. It is time to put our fiscal house in order.

But, Mr. President, it is quite another question as to whether or not we see in this proposed deficit-reduction plan what I would call the Minnesota standard of fairness. Too many of the cuts—every day people are reading in newspapers, every day people are hearing on the radio, every day people are seeing in some of the TV reports that too many of these cuts seem to be based on the path of least political resistance.

Mr. President, too many of us in office love to have our photo op, love to have our picture taken next to children. It is a great photo opportunity. All of us talk about the importance of children. All of us talk about the future and the importance of children. Well, what this amendment says—and that is why it is such an important perfecting amendment—is that if, in fact, these proposed reductions in the Food Stamp Program, the Women, Infants, and Children Program, nutrition programs for children and family child-care centers, really, whether it be center-based child care or family-based child care, or whether or not the cuts in medical assistance—in my State there are over 300,000 children, many of them in working-poor families that are covered by medical assistance—that if these reductions should result in an increase in the number of children that are hungry or the number of children who now find themselves without health insurance, then we will revisit this question, we will revisit the provisions of this bill which cause such an increase; and then, after that, we will take such practical steps as can be taken that would, in fact, halt the continuation of such an increase.

Mr. President, I came out here on the floor of the Senate at the beginning of this Congress and I said to my colleagues, "I believe that what we are going to do this session is we are going to, in the name of deficit reduction, take food out of the mouths of hungry children." I have said that more than once on the floor of the Senate. And I had an amendment, it was a sense-of-the-Senate amendment, that said the U.S. Senate, that Congress, shall take no action that will increase the number of hungry or homeless children.

Mr. President, I lost. I lost on that amendment on the first two votes. And I remember one of my colleagues on the other side of the aisle—and I have many close friends on the other side of the aisle, including the distinguished Senators on the floor, I would say especially the distinguished Senator from Utah—but I remember that one Senator came out and said, "The only thing the Senator from Minnesota is trying to do is embarrass us." And I said, "You can just prove me wrong and vote for this."

And then, finally, Mr. President—and I deeply regret that I did this—I introduced the amendment again, and it was accepted, and it was voice voted. But I am not interested in symbolic politics any longer. We are getting into the debate now.

I probably would not have had this amendment today, but when the Senator from Pennsylvania comes out with his amendment, his concerns, then it is time for me to come out with my amendment and my concerns.

Mr. President, these children, they are not the heavy hitters. These children, they are not the players. These children, they do not have a lot of lobbyists that are out there in the anteroom right now, and they have not been here throughout this process.

But some of my colleagues just want to talk about the balanced budget over and over and over again, deficit reduction over and over and over again. But how interesting it is that they fail to translate some of their proposals into human terms and what its impact on people is going to be.

Mr. President, we have scheduled in this reconciliation bill dramatic reductions of investment in children.

We have scheduled in this reconciliation bill, in this deficit reduction bill cuts in the Women, Infants, and Children Program. Unbelievable, Mr. President. My God, if there is one thing we ought to agree on, it is that every woman expecting a child ought to have an adequate diet, and we are not going to invest the resources necessary for that?

Mr. President, the Food Stamp Program certainly has its imperfections, and I am all for fixing the problems, but there is a difference between fixing problems and, no pun intended, throwing the baby out with the bath water. I can tell you that with Richard Nixon's leadership, with national standards and dramatic expansion of such a program in the early 1970's—and I saw it in the 1960's in the State of North Carolina where I lived, we had all too many children with distended bellies, too much rickets, scurvy, too many children malnourished—we moved forward with a dramatic expansion of the Food Stamp Program, and it has been—imperfections and all—one of the most important and successful programs in this country because, thank God, it reduced hunger and malnutrition among children in America, hun-

ger and malnutrition among all of God's children.

I ask the Chair, where is the voice for low-income children? Where is the voice for some of the most vulnerable citizens in this country?

So if we are going to now, today, debate this budget, it is my opportunity to make my case and to make my plea to my colleagues that we should go on record, Mr. President, as Senators making it clear that if these reductions should increase the number of hungry or medically uninsured children by the end of fiscal year 1996, the Congress shall revisit the provisions of such a bill that caused such an increase, and then we shall adopt legislation which would halt such an increase.

I met on Saturday with family child care providers. I say to my colleague from Iowa, these are small business people. There are some 14,000 in the State of Minnesota. What did they say to me? They talked about the adult and child care feeding program and they said to me, "Senator, we don't know what is going to happen with the proposed reductions in this program, because for a lot of these kids coming from these families, this is the one really good meal they get a day, and we can't assume the cost ourselves because we're small business people and we don't have any big margin of profit. Senator, who cares about these children?"

But, again, we see reductions in this program.

We are talking about \$180 billion-plus of cuts in medical assistance, and I said several weeks ago on the floor of the U.S. Senate when I suggested that the Senate Finance Committee not meet because there had not been one hearing on the precise proposals that had finally been laid out with one expert coming in from anywhere in the country, I said, this was a rush to recklessness, and it is.

It is a rush to recklessness, and what is so tragic about it is that the missing piece is the impact on the people back in our States. The State of Minnesota, again, has done a great job. You can talk to the doctors and the nurses, you can talk to the caregivers, you can talk to the people in the Government agencies, you can talk to the people in the communities, we have 300,000 children that receive medical assistance and now we are going to see draconian cuts in medical assistance.

There is a reason why there has been an increase, and the reason is simple: Every year, more and more families lose their employment-based health care coverage. Every 30 seconds, a child is born into poverty in this country. I keep reciting these statistics over and over again because I do not seem to be able to get my colleagues to focus on it. Every 30 seconds, a child is born into poverty in this country. Every 2 minutes a child is born to a woman who has not had prenatal care. Every 2 minutes, a child is born to a woman and that child is born severely low

weight, which means that child may not even have a chance in his or her life. The statistics go on and on.

We are now moving toward one quarter of all the citizens in this country being poor. So if we are going to have this debate today, I offered my perfecting amendment to the amendment of the Senator from Pennsylvania to say let us go on record and let us make it clear that surely we are not taking any action that is going to reduce more hunger or is going to increase the number of children that go without medical insurance and, therefore, without adequate medical care.

Mr. President, while I am speaking and before I forget, I do want to also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum. Was there a sufficient second?

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. Mr. President, reserving the right to object. It is one thing to ask for the yeas and nays. We are not prepared to vote on this amendment. So I object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the quorum call be dispensed with and we go forward.

Mr. HATCH. Mr. President, I object.

The PRESIDING OFFICER. The Chair recognizes there was a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, what we have here, which is why I offered this perfecting amendment, is the following equation: On the one hand, we have in the State of Minnesota somewhere between \$2.5 billion and \$3.5 billion of cuts in medical assistance.

And what do I hear from citizens in Minnesota, I mean from those who are affected? I hear families with children telling me we do not believe that our children are any longer going to be able to receive adequate medical care. I suggest to you as a former teacher, that if a child goes to school—and I have met such children in my State of Minnesota, and, Mr. President, I say to my colleagues, there are such children in their States as well—with an abcess tooth because that child could not afford dental care or because a child goes to school and that child has not received adequate health care, that child cannot do well in school.

So, to me it would be unconscionable—it would be unconscionable—to essentially dismantle one of the most important safety nets we have for children in our country.

I meet with families, I say to my colleagues, who right now receive medical assistance so they can keep their children who are developmentally disabled at home. If these proposed cuts in medical assistance go through, their fear—

Mr. President, may I have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. I thank the Chair.

Mr. President, their concern is that what will happen is they will no longer have the medical assistance program—it is called TEFRON—in our State to enable them to keep their children at home, and they do not want their children to be institutionalized.

Are we going to turn the clock backward? That is why I have this amendment. This is not a game. These are people's lives. I want my colleagues to go on record that if these proposed reductions mean that there will be more children in America that will go hungry or more children in America that will go without health care insurance, then we will, in fact, in 1996 revisit the provisions and take the corrective action to make sure that we do not continue to see this suffering. That is what I am asking my colleagues to vote on.

The medical assistance program is a vitally important program for children in America, yet we have these huge reductions slated and nobody has bothered to ask these children or their mothers or their fathers—many of them come from working poor families—"How is this going to affect you and what will you do?" Nobody has bothered to go out there and over and over again meet with people in the developmental disabilities communities and find out from them, "How is this going to affect you? What are you going to do?"

I had an amendment on the floor of the Senate to the budget resolution that said we ought to consider some of these tax loopholes and deductions and tax giveaways.

A dollar spent by the Government is a dollar spent, regardless of how you do it. It can be a direct subsidy or it can be a giveaway to some large corporation.

My amendment said we ought to consider some of this; it was defeated. Let me be clear about the why of this amendment on the floor of the Senate today.

The U.S. Senate, when it comes to what we call corporate welfare, when it comes to some of the largest tax giveaways to some of the most affluent citizens, largest corporations in America, we do not want to take any action, do not want to ask them to tighten their belts, and do not want them to be part of the sacrifice, but we are willing to cut nutrition programs for children in America.

That is not the goodness of people in this country. But it is pretty easy to explain because those children are not out there with their lobbyists.

The Wall Street Journal had a piece yesterday about the mix of money and politics. It is unbelievable the amounts of money pouring in from all over the country. But those children, they are not the ones that get represented in such a politics.

Today we get a chance to give our assurance to those children that we take account of them and we take account of their lives.

Mr. President, we had a bill out here, appropriations bill that was the Pentagon budget. It was \$7 billion more than the Pentagon wanted. It passed. Many of us were saying, could we not put that money into deficit reduction? Could we not at least do a little bit of the balancing of the budget? This is all about priorities, all about choices. Could we not ask the military contractors to tighten their belts?

My colleague from Iowa has probably done the best work in the Senate in pointing out where he thinks there has been some waste here and where he thinks there could be most fiscal accountability.

Mr. President, we were not successful. So we got \$7 billion more than the Pentagon wants. We got the money for the military contractors. We go forward with the weapon systems. We go forward with add-on projects. We go forward with this budget. But at the same time, we are going to cut nutritional programs for children and medical assistance for children in the United States of America.

Mr. President, the last piece of this, as long as my colleague brings out this whole issue of the budget, is we now look at the Treasury Department analysis, we now look at pieces that are being written in the papers, and we have \$245 billion of tax giveaways.

In the best of all worlds, I would love to vote for it. But it is, I have said on the floor before, it is like trying to dance at two weddings at the same time. As my colleague from Illinois, Senator SIMON, would say, if deficit reductions are our No. 1 goal, we will be put on a strict diet. The next thing we do is say, but first we will give you dessert. It is preposterous.

What is more preposterous is when in fact you are willing to give away \$245 billion in breaks, most of it going to the most affluent citizens who do not need it, but you are going to cut the Women, Infants, and Children Program, nutrition programs for children, and medical assistance that has become the most sweeping and important safety net program in this country for children in America.

Mr. President, I just ask my colleagues, where are the priorities? Mr. President, I do not intend to filibuster the Senate. I do not intend to bring the Senate to a halt. I am quite pleased to go forward.

Mr. President, let me just conclude because out of respect for my colleague from Utah who is managing this bill I will not take up much more time. Mr. President, my colleague from Pennsylvania came out here on the floor and did what he felt was right. I respect him for that.

He absolutely should do so. He has his set of concerns. He talks about a balanced budget. He talks about deficit reduction.

I also have a set of concerns. I have a set of concerns about whose backs is the budget balancing on? I have a concern about where is the standard of fairness? I have a concern about all the reports that are coming out talking about the fact that this proportionate number of the budget cuts target low-income citizens in America—the poorest of poor people, with children unfortunately being disproportionately affected by these reductions.

I have concerns about too many children who live in poverty today. I have concerns about what the impact in personal terms of some of these reductions in nutrition and health care programs will be on the nutritional status and health status of children in Minnesota and all across this land.

Since I think we have had precious little discussion about all of this, it seems to me it is time for the Senate to vote.

I remind my colleagues that I had a very similar kind of an amendment on the floor of the Senate. It was defeated twice. The third time it was passed by this body. This was an amendment which said "We go on record that we will take no action, that we create more hunger or homelessness among children in America."

So today we can through our vote provide some assurance to people throughout Minnesota and throughout the land that children do come first. Children and their mothers and fathers do come first. Families do come first. That we will not target the most vulnerable citizens. That there will be some standard of fairness. That we will make sure that our actions do not increase the number of hungry children, and do not increase the number of children who go without health care coverage.

We can do that, Mr. President through this amendment. I will read the amendment and then I will make a request. The amendment reads as follows:

In the event provisions of the fiscal year 1996 budget reconciliation bill are enacted which result in an increase in the number of hungry or medically uninsured children by the end of fiscal year 1996, the Congress shall revisit the provisions of said bill which caused such increase and shall, as soon as practicable thereafter, adopt legislation which would halt any continuation of such increase.

That is very reasonable.

Mr. President, I am aware that the parliamentary situation is such that I will only be able to get a vote on my amendment if I move to table my own amendment. I will soon do so and urge my colleagues to vote against my motion to table. In that way, the Senate will go on record with respect to the provisions of my amendment.

Mr. President, I do not want to take up more time because we have a lot of business but I believe in my heart and soul that there could be no more important focus than children in this country, and especially vulnerable children.

Mr. President, I am a father of three children: 30, 26, and 23. I am a grandfather, three grandchildren: Ages 4, 1, and 2 weeks. I am not so concerned about my children or my grandchildren with this amendment. I am concerned about a lot of other children. I am concerned about a lot of children who right now in the United States of America live in some brutal economic circumstances. I am concerned about a lot of children in America who right now are in a very fragile situation. I am concerned about a lot of children in America who do not believe that they truly will have an opportunity to be all that they can be. I am concerned about a lot of children in America who grow up in families where there is tremendous tension, where there are parents without jobs, where people struggle economically and where there is tremendous violence in their lives.

I have all of those concerns. Mr. President, for that reason, I do not want us to take any action that could increase the number of hungry children or those that would go without adequate health care.

I move to table my amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is now on the motion to lay on the table amendment No. 2944.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 497 Leg.]

#### YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

#### NAYS—45

Akaka	Exon	Kerry
Baucus	Feingold	Kohl
Biden	Feinstein	Lautenberg
Bingaman	Ford	Leahy
Boxer	Glenn	Levin
Breaux	Graham	Lieberman
Bryan	Harkin	Mikulski
Bumpers	Hefflin	Moseley-Braun
Byrd	Hollings	Moynihan
Conrad	Inouye	Murray
Daschle	Johnston	Nunn
Dodd	Kennedy	Pell
Dorgan	Kerrey	Pryor

Reid	Rockefeller	Simon
Robb	Sarbanes	Wellstone

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 2944) was agreed to.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2943, AS MODIFIED

Mr. SANTORUM. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following new paragraph:

#### SEC. . SENSE OF THE SENATE REGARDING THE PRESIDENT'S REVISED FEDERAL BUDGET.

(a) FINDINGS.—Congress finds that—

(1) On May 19, 1995, the United States Senate voted 99-0 to reject the Fiscal Year 1996 budget submitted by President Clinton on February 6, 1995.

(2) The President on June 13, 1995, after the House of Representatives and the Senate passed resolutions that the Congressional Budget Office said would result in a balanced federal budget in Fiscal Year 2002, revised his budget.

(3) The President said on June 13, 1995, and on numerous subsequent occasions, that this revised budget would balance the federal budget in Fiscal Year 2005.

(4) The President's revised budget, like the budget he submitted to Congress on February 6, 1995, took into account surpluses in the Old Age, Survivors and Disability Insurance (OASDI) trust funds in calculating the deficit.

(5) President Clinton, in his address before a joint session of Congress on February 17, 1993, stated that he was "using the independent numbers of the Congressional Budget Office" because "the Congressional Budget Office was normally more conservative in what was going to happen and closer to right than previous Presidents have been."

(6) President Clinton further stated: "Let's at least argue about the same set of numbers, so the American people will think we're shooting straight with them."

(7) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$128 billion in Medicare through 2002 and \$295 billion through 2005.

(8) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$54 billion in federal Medicaid spending through 2002 and \$105 billion through 2005.

(9) The President has proposed savings of \$64 billion in "non-health entitlements by 2002 by reforming welfare, farm and other programs."

(10) The Congressional Budget Office estimated that the President's revised budget includes proposals that would reduce federal revenues by \$97 billion over seven years and \$166 billion over ten years.

(11) These proposed tax reductions are more than offset by the President's proposed Medicare savings.

(12) The Congressional Budget Office has determined that enactment of the President's proposal would result in deficits in excess of \$200 billion in each of fiscal years 1997 through 2005.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress shall enact the President's budget as revised on June 13, 1995.

#### AMENDMENT NO. 2945 TO AMENDMENT NO. 2943, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the President's revised federal budget proposal)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. FORD. Is it appropriate to have the modification read before we get the tree filled?

The PRESIDING OFFICER. It is not required that the modification be read.

Mr. FORD. I understand that. I ask unanimous consent the modification be read.

Mr. HATCH. Mr. President, could we do that after I—

Mr. FORD. Mr. President, I want it read before we fill the tree.

The PRESIDING OFFICER. Is the Senator aware that a second-degree amendment has been sent to the desk? And the regular order is for the clerk to report the amendment.

Mr. FORD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2945 to amendment No. 2943, as modified.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after the first word and insert in lieu thereof the following:

#### SEC. . SENSE OF THE SENATE REGARDING THE PRESIDENT'S REVISED FEDERAL BUDGET.

(a) FINDINGS.—Congress finds that—

(1) On May 19, 1995, the United States Senate voted 99-0 to reject the Fiscal Year 1996 budget submitted by President Clinton on February 6, 1995.

(2) The President on June 13, 1995, after the House of Representatives and the Senate passed resolutions that the Congressional Budget Office said would result in a balanced federal budget in Fiscal Year 2002, revised his budget.

(3) The President said on June 13, 1995, and on numerous subsequent occasions, that this revised budget would balance the federal budget in Fiscal Year 2005.

(4) The President's revised budget, like the budget he submitted to Congress on February 6, 1995, took into account surpluses in the Old Age, Survivors and Disability Insurance (OASDI) trust funds in calculating the deficit.

(5) President Clinton, in his address before a joint session of Congress on February 17, 1993, stated that he was "using the independent numbers of the Congressional Budget Office" because "the Congressional Budget Office was normally more conservative in what was going to happen and closer to right than previous Presidents have been."



(6) President Clinton further stated: "Let's at least argue about the same set of numbers, so the American people will think we're shooting straight with them."

(7) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$128 billion in Medicare through 2002 and \$295 billion through 2005.

(8) The Congressional Budget Office estimated that the President's revised budget would achieve savings of \$54 billion in federal Medicaid spending through 2002 and \$105 billion through 2005.

(9) The President has proposed savings of \$64 billion in "non-health entitlements by 2002 by reforming welfare, farm and other programs."

(10) The Congressional Budget Office estimated that the President's revised budget includes proposals that would reduce federal revenues by \$97 billion over seven years and \$166 billion over ten years.

(11) These proposed tax reductions are more than offset by the President's proposed Medicare savings.

(12) The Congressional Budget Office has determined that enactment of the President's proposal would result in deficits in excess of \$200 billion in each of fiscal years 1997 through 2005.

(13) President Clinton stated on October 17, 1995, that, "Probably there are people . . . still mad at me at that budget because you think I raised your taxes too much. It might surprise you to know that I think I raised them too much, too."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress shall enact President Clinton's budget as revised on June 13, 1995.

Mr. SANTORUM addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair.

Mr. President, we are now back to the original subject at hand before the Wellstone amendment, which is a sense of the Senate which says the Senate should adopt the President's second budget, his budget which he proclaims balances the budget over a 10-year period of time.

I wanted to show in graphic terms what the President's balanced budget does. The red line is what the Congressional Budget Office says are the deficit projections for the President's balanced budget. You see over the next 7 years the President's budget, unlike the Republican budget here in the Senate that will be up tomorrow. You see the difference between what we are debating here today and will be debating the rest of the week is a vision, a vision of fiscal responsibility for this country. If you are to believe the President, what the President wants to do, he does not want to get to a balanced budget in 7 years or 10 years or any other time after that.

You can see what the Congressional Budget Office says is the annual projected deficit for the President's budget. It is about \$200 billion, give or take, over the next 7 years. And by the way, this line continues out for several years to come. In the reconciliation package we are going to debate tomorrow, we take the budget deficit from here and take it down to zero—in fact, a slight surplus in the year 2002.

This right here is the credibility gap, the gap between what the President says he wants to do, which is balance the budget, to where the President really is in 7 years, which is at a \$200 billion plus deficit. That is a \$200 billion credibility gap that the President is trying to pull over on the American public. And somehow or another, a \$200 billion deficit qualifies as a balanced budget. I do not think in anybody's book a \$200 billion deficit qualifies as a balanced budget.

So what we have been having today is a discussion on the President's budget and our budget and the differences between the two, and hopefully we will have a vote later today on whether we will adopt the President's budget, whether this body wants to go in the direction of red ink as far as the eye can see, of reductions—remember, the President calls for hundreds of billions of dollars in reductions in spending, and even with all those reductions in spending he still has \$200 billion in deficit because he does not do enough. He does not make the changes that are necessary to get this budget in order.

Remember, just 3 years ago the Governor of Arkansas campaigned across America about change, change, change, change. How many times have you heard during the campaign of 1992 the word "change"? How many times have you heard over the past year the word "change"? Not very much. What you heard is there is too much change, according to the President. There is too much disruption. There is too much. "Oh, we cannot do that." He has all of a sudden come from being the President of change to the President of the status quo. And my fellow colleagues, this is the status quo, this is continued deficits for as far as the eye can see. That is not change. That is not pro-family. It is not pro-family America; it is not pro-growth; it is not pro-anything except pro-deficits and pro-decline.

We have an opportunity to reject the status quo here in a few minutes and start tomorrow on a fresh, new change in America's future, a balanced budget that we will get to later today.

Mr. KYL. Will the Senator from Pennsylvania yield for a couple of questions?

Mr. SANTORUM. I would be glad to.

Mr. KYL. The Senator from Pennsylvania is talking about the President's budget. Has anybody on the minority side offered the President's budget for a vote here?

Mr. SANTORUM. The Senator from Arizona asks a very relevant question, because on Friday morning I took the floor and put forth this resolution, and laid it on the desk down here and said, "If anyone on the other side wishes to take up the President's budget and argue for his budget, it is there. The sense of the Senate to approve the President's budget is there, if anybody wants to offer it on the other side of the aisle, to defend what the President wants to do, to talk about how he gets

to balance, what his numbers are he used, what his assumptions are he uses, to speak on behalf of the President, to defend your President. Who?"

And I do not know if the Senator from Arizona knows this, but the Democratic National Committee is running TV spots all over the country, saying, "There are values, there are values behind the President's balanced budget plan." Now you have the Democratic National Committee running around the country with TV ads proclaiming that this budget is a balanced budget, and yet you cannot find one Member of the U.S. Senate on the other side of the aisle defending it, to defend what the President has done in reaching his balance. I wonder why that is.

Mr. KYL. Would the Senator from Pennsylvania yield for another question.

Mr. SANTORUM. Of course.

Mr. KYL. Just so we have this all right now, the Senator from Pennsylvania is offering up the President's budget just to see who is willing to support it. There has not been a Member of his party willing to offer it.

Mr. SANTORUM. If I could interrupt the Senator from Arizona.

Not only have they been unwilling to offer it, but during the time we have had the opportunity to debate this past Friday and here again today, not one Member of the other side of the aisle has even risen to defend it, much less offer it, to even question any of the arguments that we have put forward on this subject.

Mr. KYL. Perhaps we can go back in time.

Did we not vote on the President's budget earlier this year? As I recall, the Senate is on record as opposing the first President's budget 99-0.

Could the Senator from Pennsylvania enlighten us further on that?

Mr. SANTORUM. That is correct. Earlier this year we had the opportunity to debate and discuss the President's budget. And I am not too sure how many Members on the Democratic side of the aisle defended it. I am not too sure very many did. There were admissions that the President's budget did not go very far. But I will give the President credit for this on his first budget: On his first budget he did not claim he balanced the budget. He admitted that he had \$250 billion-plus deficits as far as the eye can see. He admitted it was a bad budget.

What he has come back with is a ruse. You know, he and his buddy, Rosy, Rosy Scenario, have gotten together to come up with a budget by underestimating what the interest rates will be and overestimating growth. He and Rosy have figured out a way to balance this budget. Well, unfortunately, Rosy does not cut it. We need real reforms. People are looking for real changes, the changes that he campaigned on in 1992 that he is not delivering with these budgets.

Mr. President, I—



Mr. KYL. Excuse me, if the Senator would further yield. We have been having a conversation about this. It seems that there is one other little problem, that is, in actuality there is a second President's budget in the same sense that he offered the budget earlier in the year; and the Republicans, through the Budget Committee, and the House and the Senate, have actually produced a full budget, funding each of the departments of the U.S. Congress, as well as developing all the revenues necessary for doing that.

Actually, is it not the case that what the President is talking about now as his balanced budget is really a concept only, that, A, is not a full budget, B, will not be offered by anyone in his party, C, does not ever get into balance insofar as the Congressional Budget Office estimates are concerned, and, therefore, really the only thing that we do have to vote on later on this week is the Republican budget combined with the other features of what we call the reconciliation bill here?

Mr. SANTORUM. The Senator from Arizona again is exactly correct. What the President has trumpeted across this land and the Democratic National Committee has begun to run ads suggesting, is that the President has a balanced budget. No, he does not. He does not have any specifics.

In fact, the entire package the President submitted back in June of this year was some 10 pages, 10 pages of broad outlines as to how you would accomplish it; no specifics, no itemized reductions, no specific plans on how to reform Medicare, no specific plans on how to reform Medicaid, no specific plans on how he is going to adopt his tax cuts, no specific plans on how he is going to increase education spending, which he says he wants to do. All of it is sort of vague, general numbers without the kind of detail that we are forced, and should be required, frankly, to produce here in a budget reconciliation package.

We have come forward with the specifics. And, as you know, when you put forward specifics, you have a lot more to shoot at. In fact, I think the reconciliation package is a pretty sizable document, a pretty voluminous measure. And so I am sure within these documents you have a lot to shoot at. When you have 10 or 15 pages of broad generalizations, you do not have much to sink your teeth into.

So the President has been able to run around and talk about a balanced budget, which he has never really produced in detail, No. 1, and, No. 2, does not balance, and then proceeds to take shots at a very well thought out, detailed description by the Republicans in the House and the Senate as to how we are going to get to the budget. It is a pretty neat place to be. You are sitting there taking potshots at folks without having to deliver leadership.

Unfortunately, we have a President who does not think he has to lead, thinks he can sit back here and take

potshots at what others trying to solve the problem want to do.

Mr. KYL. Will the Senator yield for another question? I hate to ask all these other questions about the President's budget.

Mr. SANTORUM. I do not see anyone else seeking time.

Mr. KYL. The President talked about his companion, Rosy, Rosy Scenario. I recall when the President first spoke to the Congress, he talked very firmly about the need for us to work together, using a common set of assumptions. And he pointed out that, of course, that common set of assumptions came from using the numbers, the credible numbers, the objective, bipartisan numbers of the Congressional Budget Office, to analyze how much Government would actually cost and how much the revenue would actually be for the various kinds of taxation that we have in the country, and that instead of the President using the OMB, which is what he accused past administrations of using, and the Congress using the CBO, or the Congressional Budget Office, we ought to both agree that the CBO had it right. They had it figured out; they used the right assumptions; and we ought to use the CBO numbers.

Now, I would ask the Senator from Pennsylvania, which numbers did the President use? And did that have an effect on the assumptions inherent in his so-called budget?

Mr. SANTORUM. As the Senator from Arizona knows very well, the President broke his promise. He broke his promise that he made to the Congress in 1993 when he came to the joint session of Congress in his first speech before the Congress, and he stood up and said that we will use a common set of numbers, we will use the Congressional Budget Office numbers so we are working with the same numbers, so there are not going to be any games on wishing away the problems.

He offered this budget using OMB numbers, the Office of Management and Budget within the White House, not the Congressional Budget Office up here on the Hill that we are bound to use.

The Congressional Budget Office is more conservative. They have more pessimistic assumptions. And if you look at the history of budgets and the projections of balancing, I am sure there are a lot of folks who are listening here who remember Congress after Congress saying, "We'll balance the budget in a few years; we'll get to it; we'll get to it," and projecting rosy scenarios out of the White House.

The fact of the matter is, we want to take a conservative approach, and if we are wrong, what is the downside if we are wrong? We end up with a surplus, such a horrible thing to have. If the Office of Management and Budget is wrong and their projections are too rosy, what happens? We end up with a pretty good size deficit, that is the problem.

So I suggest it is better to err and be cautious, as we are here in the Con-

gressional Budget Office using these numbers, than it is to go out and wish away the problem like the President has done.

Mr. KYL. Will the Senator yield for another question? I was just handed this statement and wonder if the Senator is aware of it.

June O'Neill is the Director of the Congressional Budget Office, and she testified in August, and I am quoting now that "the deficits under the President's July budget would probably remain near \$200 billion through the year 2005."

The July budget is the budget the Senator from Pennsylvania is talking about and referring to in his chart here.

So the red line that the Senator from Pennsylvania has demonstrated on his chart, compared to the line of zero down below, does that represent what June O'Neill, Director of CBO, says is the budget deficit remaining near \$200 billion through the year 2005 under the President's figures?

Mr. SANTORUM. That is correct, and that is why this amendment is here. If the President was not out running around saying that he has a balanced budget and he has a budget plan and the Democratic National Committee—by the way, this Democratic National Committee spot was not 3 months ago, 4 months ago, it was this weekend—this weekend. In the face of this, in the face of the knowledge that the Congressional Budget Office says this plan does not balance, does not deter the Democratic National Committee from running around lying to the American public that it does balance, and it does not.

You have the Democratic leader who, after the President introduced his second budget that said balanced, when the Congressional Budget Office came out and said it did not, the Democratic leader said the President should use CBO numbers.

Now you have the Democratic leader criticizing the President saying, "Use the right numbers, don't cook the numbers." And yet the Democratic National Committee, in the middle of this Titanic struggle to balance the budget, is going out there trying to fool the American public, suggesting the President has a balanced budget plan.

Mr. FORD. Will the Senator from Pennsylvania yield for a question?

Mr. SANTORUM. I will be happy to yield for a question.

Mr. FORD. The two Senators over there are just talking to each other. I do have a germane amendment, which yours is not, to this bill. I have discussed it with the floor manager of the legislation. I would like to get on. If you want a vote, let us have a vote. You can even move to table your amendment. I just would like to get on to other things, because we have been through this rosy scenario, and we are very acquainted with "Rosy" because you have introduced her to us.

Mr. HATCH. Will the Senator yield?

Mr. SANTORUM. Rosy is not unique among Democrats and Republicans in the White House. She has been a constant partner of Presidents for a long time. The unfortunate part is this is the first time that a Congress has come forward with a true balanced budget without Rosy, and what we are doing is very serious business and what the President—

Mr. FORD. If the—

Mr. SANTORUM. Let me finish my statement. When the President is out there using Rosy to cover up what is a truly deficient budget that does not balance in the face of the tough decisions that this Congress is making now, it raises that specter of deceit that has been going on with Presidents for a long, long time to a new level. That is why this amendment is on the floor.

Mr. FORD. Mr. President, will the Senator yield again?

Mr. SANTORUM. I yield for a question.

Mr. FORD. Did the Senator hear the former chairman of the Budget Committee this morning when he said your budget, by CBO figures, was \$108 billion or \$105 billion short in 2002?

So you are standing up here telling us that you are balancing the budget and you have the direct opposite view from that of the former chairman of the Budget Committee, and he got his information from CBO.

Mr. SANTORUM. If I can reclaim my time, I am sure the Senator from New Mexico will present the letter from the Congressional Budget Office Director which certifies the budget does balance in 7 years. I do not know where the Senator from South Carolina got his information.

Mr. FORD. He did not get it out of his own office, he got it out of CBO.

Mr. SANTORUM. I reclaim my time, and I encourage that we defeat this amendment. I will be happy to take an up-or-down vote. If the Senator from Kentucky will allow an up-or-down vote, we can do that. If the Senator requires me to table, I will be happy to do that.

Mr. HATCH. Will the Senator yield?

Mr. SANTORUM. I will be happy to yield.

Mr. HATCH. If I can make a suggestion, I suggest we have a vote up or down on the Senator's amendment. I intend to support him. I think we should do that right now.

I notice the distinguished Senator from Iowa is ready to speak on the underlying bill. The distinguished Senator from Kentucky, the minority whip, has an amendment he would like to bring up. So I am prepared to go to a vote if we can.

Several Senators addressed the Chair.

Mr. KYL. Mr. President, I rise in opposition to the amendment and the budget that President Clinton has submitted.

The President says he supports a balanced budget and that he has submit-

ted a balanced budget to the Congress for consideration, but the agency he praised as the best authority on budget numbers, the CBO, says otherwise. June O'Neill, the Director of CBO, testified in August that "the deficits under the President's July budget would probably remain near \$200 billion through 2005."

So, the President's budget does not balance. Not in 7 years, 8 years, 9, or 10 years. It doesn't balance.

The President claims the Congress is cutting Medicare to pay for tax cuts for the rich. We all know that's not true either, just as we know the President didn't propose to cut Medicare when he proposed tax cuts in his revised budget.

CBO estimates that the President's revised budget would reduce the growth in Medicare by \$105 billion by 2005. The President's numbers put net Medicare savings at \$124 billion. So, President Clinton finds savings in Medicare as well.

His budget also proposes tax cuts that would cut the growth of tax revenues by \$166 billion by 2005. The President's tax cuts are more than offset by Medicare spending cuts. Yet we all know that cuts have nothing to do with Medicare. Whether we raise taxes, lower taxes or leave taxes the same, the fact is that Medicare will go bankrupt unless spending growth is slowed and the program is reformed.

Last week, the President said that he could support a balanced budget in 7 years, just as we are proposing. We should vote down this budget today and give the President another chance to produce a budget that CBO will certify gets us to balance. We want to work with the President, but we don't want—and we shouldn't—go back on the promise we made to the American people to balance the budget by the year 2002.

Let us vote down this budget today and consider an alternative that keeps the promises we have made. Let us balance the budget and give tax relief to hard-working American families.

Mr. President, I think it is time for us to have a vote, and I simply would like to frame what the vote is, in about 30 seconds here.

The Senator from Pennsylvania has offered the President's budget. We are going to be voting later this week on the Republican budget. Members will have an opportunity to decide: Do they want a budget that, according to June O'Neill, the Director of the Congressional Budget Office, shows deficits of \$200 billion through the year 2005, or do they want a balanced budget offered by the Republicans which will be voted on later this week?

I suggest that we have the vote, that it be up or down, and that we defeat the budget that has been offered by the Senator from Pennsylvania, since none of the Members of the Democratic Party were willing to offer the President's budget.

Mr. HATCH. Mr. President, I also suggest we have this vote up or down,

and I agree this amendment should be defeated. We should not be voting for the President's budget, which has \$200 billion in deficits, ad infinitum. It is not realistic about getting spending under control, and I think, once and for all, that we can vote on this issue.

Mr. SANTORUM. Mr. President, one additional comment. The Senator from Kentucky and I just had a conversation. I want to give the Senator from Kentucky and the Democrats credit for not defending the President's budget. He is absolutely right, he is not defending the President's budget because the President is not using the right numbers, so I give credit to the other side for not standing up and defending this budget. I think they are showing character in not doing so. I think, hopefully, that is a message that will be sent to 1600 Pennsylvania Avenue.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do have a bill before us, a very important bill. We have been talking about amendments to that bill that are unrelated to the underlying bill. I am going to speak about the underlying bill. I want to tell people who are watching that this sometimes happens in the U.S. Senate; that you get a relatively noncontroversial bill before the Senate, and then people want to offer amendments. I do not have any fault with either the process, or I do not have any fault with the amendment on which we are going to be voting. In fact, I cheer what the Senator from Pennsylvania is doing. But I do want to state my view on this underlying bill which creates and extends some temporary judgeships, and then I also want to make a statement on how we arrive at the number of judgeships we ought to have and the necessity for a review of that process.

As far as the underlying bill is concerned, Mr. President, I want to clearly state that I support the bill, even though I am going to raise some questions about the process, even though I might raise a question about one of the judges that is being temporarily extended, the creation of which is being temporarily extended.

I want to state for the record that there is at least one of these positions that is being extended, some questions from judges who operate in this judicial district as to whether or not it even ought to be extended.

I want to say at the outset that the Sixth Circuit Judicial Council has asked that one of the temporary judgeships not be renewed. The letter I have from Mr. Wiggins, circuit executive for the sixth district, who speaks about the temporary judgeship for the western district of Michigan, says at a

meeting of the Sixth Circuit Judicial Council held on May 4, 1994: The council approved the request of the western district of Michigan that no action be taken to extend the temporary judgeship for the western district of Michigan.

With this bill, we are extending then some judgeships which judges themselves have raised questions about whether or not they are needed, whether or not they even want them.

It is, of course, this sort of mindset that has caused me to look very closely at the spending habits and the allocation of judges in the Federal judiciary.

Congress has made difficult budget choices, as you know, this year—in fact, the next 3 days—on what we call the reconciliation process. We are going to be voting on these particular tough decisions that we have to make to get us to a balanced budget. In that process, we in the Congress have downsized our own staffs, the staffs of our committees. We have downsized in the executive branch, as well.

I believe it is time that we look at the downsizing of the Federal judiciary. That is why I have begun a series of hearings on the proper allocation of Federal judges. As some in this body know, last week I chaired a hearing before the Court Subcommittee that I chair on the appropriate number of judges for the U.S. Court of Appeals for the D.C. Circuit.

That hearing addressed an issue which this body has not considered since the 19th century—the process of eliminating judgeships. The last time we eliminated a judgeship as a Congress was in 1868 when there were 10 members of the Supreme Court temporarily because of what President Lincoln wanted to do. It was reduced by one judgeship. That is the last time I have been told that is the case.

Here we are looking at whether or not we need 12 judges on the circuit for Washington, DC. The caseload of the Washington, D.C. circuit has actually declined slightly over the past few years. The number of agency cases in the D.C. circuit is about the same now as it was in 1983—that was a year before Congress created a 12th judgeship in the D.C. circuit.

It costs a little under \$1 million—\$800,000, to be exact—when we create and keep filled a circuit court judgeship. By the way, that figure, \$800,000, comes from the judicial conference. In other words, that is the official judiciary's estimate. It is not my estimate.

The administration claims despite the declining caseload, despite the expense to the American taxpayers, that 12th seat must be filled. I am not convinced that this is so. Mr. President, \$1 million per year, per judgeship is a lot. I do not think it should be spent unwisely.

Mr. President, with respect to the D.C. circuit, the administration basically says that the D.C. circuit is too slow in rendering decisions and that a 12th judge would speed things up. But this is not necessarily so.

I agree with a large number of well-respected Federal judges who have raised serious concerns about the runaway growth of the Federal branch. Some judges, including Judge Silberman on the D.C. circuit and Judge Wilkinson of the First Circuit Court of Appeals, have raised serious objections to an excessively large Federal judiciary. These circuit judges have concluded, based on the experience of the ninth circuit, that courts of appeal which are too large actually decrease the quality of judicial decisionmaking and increase the possibility of a conflicting panel decision which must be reconciled through full court rehearings.

At my hearing that I held last week in my subcommittee, Judge Silberman testified that 12 judges is just too many for the D.C. circuit. In those very brief periods when the D.C. circuit has actually had 12 judges—and that was just for a brief period of time, quite frankly, Mr. President, between 1984 and now, when it was created, I think a period of not more than 18 months—there just was not enough work to go around. That is what Judge Silberman said.

I ask unanimous consent that an article from a newspaper about the hearing I recently chaired which appears in the paper be printed in the RECORD at the end of my remarks. Furthermore, I ask unanimous consent to have printed the letter I read from the sixth judicial council.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. GRASSLEY. Furthermore, when there are too many judges—and I go back to what Judge Silberman is saying and what Judge Wilkinson is saying—there are too many opportunities for Federal intervention.

We should not forget, just as Government regulatory agencies swelled in number and size since President Roosevelt and President Johnson set America on a path to big Government and Government control of the economy, the Federal courts have also increased in size. The size of the Federal judiciary is an indicator, in the view of many people, including myself, of the degree of unnecessary Federal intervention in State and local affairs.

To some degree, I must admit, this is our fault. Whenever we in the Congress try to create a Federal solution to a State and local problem, we give the Federal judiciary more work to do. So we have to, of course, shoulder some blame for this, and it would not take a lot of research that every Senator, including this one, has done some things, promoted some legislation to increase the workloads of the Federal judiciary.

Is that right? No, it is not right. It is a fact. We have an opportunity now to review some of this. We have a bill before the Senate that extends temporary judgeships that were created 5 years ago for another short period of time, to get us over a hurdle.

We are going to do that, obviously, but it calls for the consideration of how we do this, how often we do it, and whether we do it in too willy-nilly of a fashion.

Like most of my colleagues on this side of the aisle, I do not necessarily support Federal solutions to local problems. With the Republican victory last November, I am confident that some common sense will be restored to the way that we do business up here in Washington.

Mr. President, all of what I have described is expensive. When we ask for more Government, more committees, more employees on the Hill, more bureaucrats downtown, and even more judges, it is all very expensive. So it is time we in Congress step up to the plate on the issue of the Federal judiciary and its size and we make some tough budgetary choices.

I yield the floor.

#### EXHIBIT 1

WHEN IT COMES TO JUDGES, MANY SAY LESS IS MORE

(By Frank J. Murray)

The U.S. Senate may be about to abolish an appeals court judgeship because there's not enough work to justify the job.

This has happened only once before, in 1868, when Congress cut the U.S. Supreme Court from 10 justices to nine.

But the mood to cut judgeships is growing.

At issue is whether to cut the 12-judge U.S. Court of Appeals for the D.C. Circuit, the nation's second most important court. Three of the nine current Supreme Court justices were elevated from that court.

Yesterday, Judge Randall R. Rader of the Federal Circuit told The Washington Times that 12-judge appeals court also could be better off if its current vacant slot were abolished.

"I think circuit courts work better in smaller numbers. I think that the Federal Circuit would work as well with 11 [judges], perhaps more efficiently," Judge Rader said.

In the Eastern District of Louisiana, Chief Judge Morey L. Sear is asking the Senate not to fill two vacancies on the U.S. District Court bench.

And Judge Laurence H. Silberman of the D.C. Circuit advocates cutting one judge from that court.

Sen. Charles E. Grassley, Iowa Republican and chairman of the Senate Judiciary oversight subcommittee, says he has found support for reducing the number of judges on the D.C. Circuit and elsewhere during soundings of sentiment among appeals judges nationwide.

Chief Circuit Judge Harry T. Edwards, who opposes the reduction, acknowledges that Judge Silberman speaks for a significant faction of the court, although its 11 judges have taken no vote.

Chief Judge Edwards says any decision not to leave the question to the U.S. Judicial Conference could suggest "some agenda that has nothing to do with the quality of justice."

In opening a committee hearing last week, Mr. Grassley said his choices fall between filling the vacancy and cutting the bench by as many as three positions.

Each circuit judgeship costs about \$800,000 a year, including salaries for a support staff of five. Such judgeships must be eliminated when vacant because the Constitution guarantees incumbent judges the jobs and their salary levels for life.

"We think the [D.C. Circuit] seat should be filled," says White House spokeswoman

Ginny Terzano. "It's not a political issue. It's a question of whether this seat should exist or not, and the administration thinks it should."

In separate interviews, Judges Edwards and Silberman says they respect each other's opinions on an issue laden with political overtones.

"If the question to me is, are we better off with 12 judges—do we serve the public better and do our jobs better?—my answer is yes," Judge Edwards says. But he concedes he can't effectively challenge those who rely on a formula allotting the circuit just 9½ judges because of declining workload.

"I can't say there's any magic number and produce that number to prove the point," Chief Judge Edwards says. "I admitted it is a difficult assessment in those terms." Although the number of cases accepted for review fell over a 10-year period, the backlog of 2,000 is up 70 percent.

"I do think the 12 judges is excessive and therefore a diversion of judicial resources," Judge Silberman told the Judiciary Committee. He says 11 is the right number and nine is too few.

The resolution of the dispute could determine whether Mr. Clinton eventually undoes what Ronald Reagan wrought. The D.C. Circuit has five Reagan nominees, two Bush appointees, two Clinton nominees and two Carter appointees—including Chief Judge Edwards. Judge Silberman was appointed by President Reagan.

"I am in favor of the abolition of the 12th judgeship no matter who is president or who controls the Senate. We simply do not need a 12th judgeship, and there is a cost in the quality of our decisionmaking," Judge Silberman says. He says he expressed this view privately months before Mr. Garland's nomination and wrote a Sept. 26 letter spelling out his position at Mr. Grassley's invitation.

"The fact that I am in some measure of disagreement with the chief judge on this issue has not affected my enormous respect and affection for him," Judge Silberman says. Says Chief Judge Edwards: "Everyone else who's testified has supported the 12th judge. I don't care to say anything on that. Our relationship is good. I'll leave it that way."

#### EXHIBIT 2

U.S. COURT OF APPEALS  
FOR THE SIXTH CIRCUIT,  
Cincinnati, OH, May 5, 1994.

Re temporary judgeship in Western District of Michigan.

DAVID L. COOK,  
Chief, Statistics Division Administrative Office  
of the U.S. Courts, Federal Judiciary Building,  
Washington, DC.

DEAR MR. COOK: At a meeting of the Sixth Circuit Judicial Council held on May 4, 1994, the Council approved the request of the Western District of Michigan that no action be taken to extend the temporary judgeship for the Western District of Michigan.

Sincerely,

JAMES A. WIGGINS,  
Circuit Executive.

Mr. MACK. Mr. President, I rise to support the effort that the Senator from Pennsylvania has put to the Senate but would encourage my colleagues to vote against the resolution.

The resolution calls for the adoption, as I understand it, of the President's budget as submitted June 13 of this year. When the vote is called, I hope that my colleagues would vote against the resolution.

Again, I want to support the effort that the Senator from Pennsylvania is

making. What he is really giving us is an opportunity to discuss—and I suspect maybe some do not want to discuss it—the President's budget, because there is the impression that has been created that with this proposal that the President made in June, that there is an alternative to what Republicans have proposed.

In the next few days we will be voting on the reconciliation package. That, combined with other actions of the Senate—the appropriations bill, the passage of the budget resolution earlier this year—will lead us to a balanced budget, according to CBO.

There is a proposal, again, that will come to the floor of the Senate tomorrow, and we should have a vote on final passage before we conclude our work this week, that will, in fact, over a period of 7 years, balance the budget. If my memory is correct, that will be the first time that the budget will have been balanced since 1969.

I again want to take the opportunity here to talk about the President's budget, but I cannot help but think that there are times maybe for a little levity.

Over the weekend, through some clandestine activity, we were able to come up with an instrument that allows us to understand how the President comes to conclusions about certain tax policies.

This instrument is the key. This is spun, apparently, and where it stops is an indication of what the President's policy with respect to taxes should be.

Again, just to quote some of the various options here that the President has to pick from, in January 1992 the President said, "I want to make it very clear that this middle-class tax cut is central \* \* \*" to what he is trying to accomplish. Then, in March 1992, just a few months later, I am quoting the President again, he says, "but to say that this middle-class tax is the center of anybody's economic package is just wrong."

Then, on June 8, the President went on to say, "I would emphasize to you that the press and my opponents always made more of the middle-class tax cut than I did." We all are familiar with the President's comments with respect to taxes raised in 1993. He has been quoted rather extensively, I think, now, over the last week or so, in essence admitting that he went too far in raising taxes.

What is ironic about that, in the same breath he really said it was not his fault, that the Congress—the fact that he had to work within the Democratic Party—he was forced to raise taxes and he now admits it was a mistake and in essence he apologized for having raised those taxes.

Interestingly enough, you could use this instrument for just about any policy decisions in the White House that you wanted. You could take the issue of budget resolutions. If you go to candidate Clinton in 1992, I believe he said on the "Larry King Show" that he be-

lieved that a budget could be balanced in a 5-year period.

Then, the first budget that the President submitted to the Congress did not call for a balanced budget at all. That was in 1993, even after raising taxes to the point I think many have said was the largest single tax increase in the history of the country. Certainly a large one. So here we are in the President's first year, presenting to the Congress a budget that in fact does not call for balance.

Then, earlier this year the President proposed to the Congress his budget for fiscal year 1996. Interestingly enough, there was no effort to balance the budget in that particular proposal. In fact, I think this is the one that was voted on. It was voted down 99 to zero. There was no support whatsoever in the Senate for the President's first proposal this year. That called for balancing the budget in a 10-year period. When it was reestimated by CBO, it was indicated we would see deficits out, well, forever—of \$200 billion-plus per year.

The President has been quoted, too, as saying he now favors a program that would balance the budget in 7 years—at least that was the implication. I should be careful about that. That was the implication—that the President in fact supported the concept of balancing the budget in 7 years.

So I thought it was an interesting find over the weekend to have found this instrument that really has turned out to be the key to the President's policy decisionmaking process. That has been, I think, very helpful.

Also, since we have the opportunity to talk about the President's budget, it has been some time since we have had an opportunity to focus on this. The Joint Economic Committee, as the Chair recognizes, held a hearing to review the President's supposed balanced budget proposal over 10 years. Mind you, over 10 years. He claimed to have balanced the budget in 10 years.

This chart indicates, again according to CBO, what would be necessary in order to balance the budget over a 7-year period. We would have to reduce Federal expenditures, that is the anticipated Federal expenditures, over that 7-year period by \$1.257 trillion. In fact, that is the proposal that the Republicans have put before the Senate, both as a budget resolution and now the combination of appropriations bills and reconciliation bill. So we are going to meet this goal.

The President's proposal does not come anywhere near that. As you begin to review—not my analysis of the President's budget, but the Congressional Budget Office's analysis of the President's budget—and you might be asking yourself why does the Senator keep referring to the Congressional Budget Office, known as CBO?

The reason I do is because I remember, I think as most of the Members of the Senate do, that in January 1993, when we were all assembled at a joint

session of the Congress to hear the President's State of the Union Message, he really challenged the Congress. Maybe that is really not the way to say it. I think what he was saying to the Congress is he recognized in the past, that previous administrations and previous Congresses, frankly, had used smoke and mirrors to put budget resolutions together. When things got tough and tough decisions were going to have to be made, the Congress somehow or another decided they would accept rosier economic assumptions. Because by accepting rosier economic assumptions, fewer cuts had to be made.

This is what the President said, back in January 1993. He said that he would use "the independent numbers of the Congressional Budget Office, so we could argue about priorities with the same set of numbers. I did this so no one could say I was estimating my way out of this difficulty."

Guess what, here is another flip-flop. If I had that other chart back up maybe we could spin the wheel one more time and see if the President would conclude he should respond to this kind of question. The President has decided not to use the Congressional Budget Office numbers. He has decided to use OMB. As a result of using OMB, guess what, they are using rosier economic assumptions—economic assumptions about the level of economic growth; economic assumptions about interest rates; economic assumptions about inflation and so forth.

The end result was that the President has, in fact, estimated his way out of the problem. This portion of the reduction does in fact come about as a result of changing economic assumptions and using lower interest rates, assuming there will be lower interest rates in the future.

I say to my colleagues as we have an opportunity to both vote on this resolution and on reconciliation, it is obvious. It does not get to zero. Over half of the deficit reduction the President has proposed comes from estimating his way out of the problem, using higher growth numbers, lower interest rates, and so forth. That program just will not do it. This is exactly what created the problem we are in today. It is because, in the past, every administration and every Congress decided to blink.

All I am saying is you cannot get there with the plan the President has proposed and that is why I encourage Members to vote against the resolution that is on the floor.

Sometimes people get lost with charts in this discussion of economics and statistics and numbers. If you think about it, in essence what CBO has said is that deficits are growing at this rate. This line represents the deficits out in the future if we do not do anything. Here is what we would have to do—that is this line here represents zero. We have to get rid of this gap. We

have to fill that gap, rather, in order to solve the deficit problem.

The President has figured he will address the problem with over half of that gap being filled by phony economic assumptions. That has happened year after year after year. That is why we have seen the debt build up year after year.

Mr. President, I want to address maybe two other areas related to this. The first is, what does this mean to individuals? What is important about doing this? Clearly one could make the economic argument that this is important because it is going to get us to a balanced budget. Plenty of other people have made those arguments and I have heard my colleagues on the other side of the floor refer to what our proposal might do to people in the country.

I ask them to think about what is going to happen to those individuals if we do not do something. Take Medicare, briefly. What if we do not act on Medicare? How are they going to answer the people 7 years from now when there is no money in the trust fund to make those benefit payments? What are they going to say to their moms, dads, and grandparents? What are they going to say to those individuals who are suffering from all types of diseases that come as a result of aging? Are they just going to say we did not have the courage back in 1995 to solve the problem; we felt it would be better to do whatever Congress has done before that? That is, flinch; fuzzy up the issue; change the economic assumptions; avoid the tough decisions? That is what they are saying.

Oh, they will not admit that. But that is exactly what they are saying. What about those people, those young families in America where mom and dad get up at 4:30, 5 o'clock in the morning and commute to work, and by the time they get back home in the evening it is already dark? They feel, and I think accurately so, that the Federal Government is sucking money away from them to pay for programs that have been proven to fail. It would be another thing if, in fact, programs were working. But almost everyone in America today understands that they have failed.

They have failed, and it is fundamentally wrong to say to those hard-working men and women of this Nation trying to raise their families, trying to provide the necessary dollars for education, for food, for health care, and so forth, "Oh, no. We are going to take more of your money away from you and we are going to give it to those guys in Washington, DC, to continue to spend on programs that have proven to be a failure."

What about the young couple where the father works all week, in fact has two jobs? He comes home for the weekend, and he takes care of the children, and his wife works for the weekend to make just a little bit more money so they can make ends meet. What about them? What about those individuals

that we have been taking money away from to transfer it to someone else that they feel, frankly, is not worthy of it, because they hear the stories about the programs that have failed.

In fact, that has happened as we have gone from this dream that was created in the early 1960's to the nightmare of the programs that have been developed over the years, and the poverty that people are living in today, and the dependency that people are living in today as a result of those programs.

So I ask my colleagues to think about those men and women who are working hard day-in and day-out. What about them? What about their future? What about their opportunity? They will not have one—not at the level that we have experienced over the years, if we continue the kind of Federal spending and the Federal programs that have been going on for these last 25 years or so.

The last point I would make is I think that the decision we are making here, the decision to reject the President's alternative which does not get us anywhere near a balanced budget and the reconciliation package that we will have an opportunity to vote on in just a few days, I think the opportunity is much greater than the simple reaching of a balanced budget. We have a Nation that for generations and for centuries has been dedicated to the principles of freedom, independence, justice, democracy, human rights, free markets, free enterprise, and capitalism. And I believe that our country is the only one in the world today that has the interest or the concern or the desire to see that those principles are exported around the world. But if we do not get our fiscal house in order, we will not have an opportunity to do that. America will not be the center of influence in the 21st century, and America will not have the opportunity to expand and pursue those ideas around the world.

So this is much larger than just this simple debate today about whether we are going to support the President's plan or whether we are going to support our plan. We are talking about America's future.

The President has failed to provide us with leadership. He has failed to provide us with a plan and, therefore, he has failed to provide us with an alternative. There is no choice. Reject this resolution that has been proposed, and in a few days vote for the reconciliation package.

I yield the floor.

Mr. HATCH. Mr. President, I suggest that we are prepared to vote.

The PRESIDING OFFICER (Mr. CAMPBELL). Is there further debate?

Mr. FORD. Is this is on the second degree?

Mr. HATCH. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the second-degree amendment.

If there is no further debate, the question is on agreeing to the amendment of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Ohio [Mr. GLENN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 0, nays 96, as follows:

[Rollcall Vote No. 498 Leg.]

#### NAYS—96

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

#### NOT VOTING—3

Bradley	Glenn	Kassebaum
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So the amendment (No. 2945) was rejected.

Mr. SANTORUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, we just witnessed on the Senate floor the President's revised balanced budget getting no votes; his plan to balance the budget over 10 years getting no votes on the U.S. Senate floor, no support on either side of the aisle. Nobody on the other side of the aisle, and rightfully so, I might add, defended his balanced budget.

All I suggest to the Democratic National Committee, which is running a television ad saying that the President has a balanced budget, that it is now, I think, apparent that the President does not have a balanced budget and that nobody believes he has a balanced

budget. So quit running ads on national television saying he does have a balanced budget.

There is no support for phony numbers in the U.S. Senate from either side of the aisle, and I commend my colleagues on both sides of the aisle for standing up and sending a very clear message down Pennsylvania Avenue that we are tired of the President running around campaigning and not coming back here to work on a serious balanced budget resolution and reconciliation.

We have the opportunity, as a result of the 1994 elections and the movements in this House and Senate, to pass a balanced budget. No more phony-baloney politics, but real deficit reduction, real balanced budgets.

Mr. President, 0 to 96; 0 to 96, I think that is a pretty clear message to the President and his TV commercial that the Democratic National Committee has out which says—as they read the text, there is an image of the President sitting at his desk working on a balanced budget plan. I suggest that the President actually do go to his desk and actually do start working on a balanced budget plan and not try to pull the wool over the American public's eyes on a budget that does not balance, on a plan that does not do what he is claiming it does.

I am hopeful that the message will be sent to the President and to the Democratic National Committee that these kinds of ruses that are trying to be pulled on the American public have no place in a serious dialog about solving the great fiscal problems of this country.

I want to commend both sides of the aisle for delivering that message loud and clear this afternoon to the President of the United States that his budget is phony, his budget does not work; that he needs to get serious about balancing this budget; that he needs to come to the Hill and sit down and work on a bipartisan basis to solve this problem; and that the campaigning has to end and being President and presiding has to begin today.

We are ready to go. We are going to start tomorrow. We are going to pass a budget. We are going to pass a reconciliation package, and I hope at that time that the President will hear the call, will hear 0 to 96 on his phony plan and come here and get serious about the business at hand.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, has the Senator from Pennsylvania withdrawn the first-degree amendment that he offered?

The PRESIDING OFFICER. The Senator's first-degree is still pending.

Mr. DORGAN. Mr. President, I am tempted to offer a second-degree amendment. I expected the Senator from Pennsylvania would—

Mr. SANTORUM. If the Senator from North Dakota will yield for an explanation. I intended to withdraw the amendment. The Senator from Mississippi wanted to speak briefly, and then I was going to withdraw the amendment.

Mr. DORGAN. Reclaiming my time, I sought recognition expecting that you would have withdrawn the amendment, but you did not. I am tempted to offer a second-degree amendment, which I was intending to do. But let me just make a comment that the Senator from Pennsylvania has a knack—

Mr. HATCH. Will the Senator yield for just a second?

Mr. DORGAN. I will be happy to yield.

Mr. HATCH. I suggest that the Senator from Pennsylvania withdraw his amendment and that will solve that problem, and then, of course, whatever remarks the distinguished Senator would like to make; is that OK?

Mr. DORGAN. Mr. President, I have the floor. Let me just make my statement.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. The Senator from Pennsylvania has a knack for winning debates that we are not having. This is the third that he has won with this amendment offering President Clinton's budget. I did not vote for that. The Senator from Pennsylvania is correct that the President did not propose a budget that calls for a balanced budget.

I want to ask the Senator from Pennsylvania a question. The Senator from Pennsylvania offered this, I guess, because he wanted to make the point that we must have a balanced budget on the floor of the Senate. And I think in further of that point, he would say the reconciliation bill that he is going to vote for later this week does, in fact, provide a balanced budget.

I ask the Senator from Pennsylvania if he has seen the letter of October 20 from the Director of the Congressional Budget Office, and I will read to the Senator from Pennsylvania the last sentence of the first paragraph. Just to refresh the memory of the Senator from Pennsylvania, he will recall that the majority party brought a big chart to the floor, and it had one of these giant gold seals on it with ribbons and things. It says, "This certifies that this budget is in balance," and it was attached to a letter from the Director of the Congressional Budget Office.

I looked at that big gold seal that had been printed up in some confetti factory someplace and did not really mean anything but it was colorful, I looked at that and said, "Gee, how can you certify that this is in balance?"

That is a curious thing, because I know that in the year 2002, the only way you could have done that would have been to have taken the Social Security trust funds and use them and then claim they were in balance. Of course, that would not be an honest

way to use the Social Security trust funds.

So I wrote to the Director of the Congressional Budget Office the next day, October 19, and said, "Could you tell me, if you don't use the Social Security trust funds, what is the budget balance in the year 2002?"

She wrote a letter back on the 19th of October and then a second letter correcting an error in the letter of the 19th. The second letter is the 20th and it says: "Excluding an estimated off-budget surplus of \$115 billion in 2002 from the calculation, the CBO would project an on-budget deficit of \$105 billion in 2002."

Is the Senator from Pennsylvania familiar with this letter that says the CBO would project an on-budget deficit of \$105 billion in 2002?

The Senator from Pennsylvania was critical, I think properly so, of the budget that he submitted in his amendment. Would he also be critical of a proposal brought to the floor of the Senate that contains a deficit of \$105 billion in the year 2002, or is this the one he is prepared to vote for?

I will be happy to yield for a question or for a response without yielding my right to the floor.

Mr. SANTORUM. Mr. President, we have a certification from the Congressional Budget Office that says that the budget comes into balance by the year 2002.

The Senator from North Dakota is under the false assumption because we have trust funds they are not part of the Federal Government. They are part of the Federal Government like the highway trust fund is, like the aviation trust fund is. Just like we have a number of trust funds in this budget.

To suggest that they are not part of the Federal Government and should not be considered just does not look at reality. The reality is this is all part of the Federal Government. The Social Security Administration is a Federal Agency run by the Federal Government. To suggest somehow they should not be included in a Federal budget, I think, flies in the face of fact.

Mr. DORGAN. Let me ask an additional question because the Senator is attempting to respond to my original questioning saying this is income—income to the Federal Government.

Let me ask the Senator to put himself in a business seat, running a business, and someone says, "How can you possibly take the trust funds from our pension program and use them as income on your operating statement? That is dishonest."

The Senator would say, "Well, what do you mean dishonest? That is part of my income."

Do you think the Senator would stay in his desk very long or would they haul you to the penitentiary?

Mr. SANTORUM. I suggest no one is taking that money and using it without replacing it with an interest-bearing note required by law. There is no raiding of any pension fund going on here.

To suggest otherwise is a deliberate attempt to scare people, when, in fact, the Senator from North Dakota knows very well that money is only as secure as the solvency of this Government.

Mr. DORGAN. I think we are getting close to an answer—

Mr. SANTORUM. We are trying to get this Government solvent to pay back—

Mr. DORGAN. I think we are getting close to an answer, which is interesting because my theory is that there are some who think double-entry book-keeping or double-entry accounting means you can use the same money twice. I think that is what we are seeing.

I think the Senator has said, well, it is not that we have taken the money out of the trust fund. There still exists an asset in the trust fund. If there still exists an asset in the trust fund, it cannot be over here. It is over here in the trust fund or it is over here in the budget as income.

Now, if it is over here in the budget as income, it is not in the trust fund. If it says, the Senator from Pennsylvania says it is in the trust fund, then you have a problem. Then you have to tear up that little gold certificate you brought to the floor that says you have a balanced budget, because your own Director of the CBO, June O'Neil, says, sorry, pal, \$105 billion deficit in the year 2002.

The question is, where is it? It cannot be in two places. Is it over in the trust fund or is it used as revenue over here in your operating budget? Which, I ask the Senator from Pennsylvania, is it? Where does it exist?

Mr. SANTORUM. It is, as the Senator from North Dakota knows very well, what we are looking at as accounting practices to determine what the overall assets and liabilities are for Government; what you are doing is trying to play games.

Mr. DORGAN. The Senator is not responding to my question.

I am asking you, is it in the trust fund or used as income over the operating revenue side? It cannot be in both places.

Mr. SANTORUM. The money is a credit toward the trust fund. That trust fund surplus, like the aviation fund surplus, is part of the overall budget and is used for accounting purposes—for accounting purposes—to offset other deficiencies in other areas of the budget, for accounting purposes.

Mr. DORGAN. Now I understand.

Now, you propose that it is a credit in the trust fund. It is a credit. Now, what that means is that the trust fund is owed money you have used somewhere else.

That is why, you see, this does not add up. The only reason I am doing this, you brought to the floor something that says the administration's budget is a fraud because it does not propose to balance the budget. I agree with you. It did not balance the budget. I agree.

I am asking if the Director of your CBO writes a letter to us and says, if you do not use the Social Security trust fund—and believe me, you cannot do that because it is not the right way—you have a \$105 billion deficit in the year 2002.

Why is that important? It is important because you say you will trigger a tax cut in balancing the budget and come up with a letter dated 10/18 saying, guess what? We have gold paper and a new ribbon and a letter saying we balance the budget.

Then I asked the question, if you balance the budget according to the law as written by Senator HOLLINGS—incidentally, that says you cannot use the trust fund. What do you have? Could you have a balanced budget? The answer is no, I am sorry, you have a \$105 billion deficit in the year 2002.

I only do this to point out the contradiction of what you have just done. You do not have a balanced budget, either.

What I want to see us do is find a way that all of us could sift through all of this and figure out what represents wise choices. Where do you cut spending, where do you find revenue, where do you invest, where do you put together the pieces of this puzzle that really address the fiscal policy problem that we have?

This amendment we just had was not a tough vote for me because I have said before I do not support what President Clinton sent to us. But last night I offered an opportunity to vote on a simple proposition: At least restrict or limit the tax cut to those people whose earnings or income is less than a quarter of a million dollars a year.

Do you know what you save by that restriction? If you say the tax cut only goes to those with incomes of \$250,000 a year or less, you save \$50 billion by limiting the tax cut, over 7 years—\$50 billion.

Now, I said, use that to reduce the cut we will make in Medicare. It is kind of an interesting juxtaposition. A lot of people in this country are doing very well, some making \$1 million a year, some \$10 million a year. God bless them. But frankly, they do not need a tax cut.

We are going to very low-income people and saying, guess what? News for you—increase your cuts and reduce your health care.

It is all about choices, which the Senator was alluding to on the requirement to vote for this amendment. I have no objection.

My only point is the argument made in favor of offering this, that the budget was not in balance as offered by the President, is exactly the same position you find yourself in, certified by the Director of the Congressional Budget Office. Is that not kind of a contradiction?

I am happy to yield to the Senator from Pennsylvania.

Mr. SANTORUM. Where does the Senator from North Dakota come up



with a \$50 billion figure for those making over \$250,000? I would love to see the estimate.

Mr. DORGAN. It is a reckoning by the Department of Treasury. Over 7 years, the amount of the tax break that will go to those earning over a quarter million dollars a year, over the 7-year period, totals about \$50 billion.

Mr. SANTORUM. If the Senator will yield, the Senator from New Mexico and the Senator from Delaware have on numerous occasions come to the floor and discussed the tax cut and suggested that 90 percent of the benefits of the tax cut go to people under \$100,000.

If that is correct, that means only \$23 billion, roughly, \$24 billion, roughly, goes to people over \$100,000. I do not know how you come up with a figure of \$50 billion for those over \$250,000.

Mr. DORGAN. There is room for plenty of surprises on the floor of the Senate, but there is no room for surprise as significant as the one you have just offered or you say is offered by the Senator from Delaware, that 90 percent of this tax cut is going to go to people whose incomes are below \$100,000.

That is not just a surprise, that is so far from the truth that it hardly warrants a response.

Mr. SANTORUM. That is why we will have debate tomorrow.

Mr. DORGAN. We are going to, but we will find going through the details of this that not only does it not hit the bull's eye, the arrow does not hit the target. It is not anywhere near it.

The fact is, about half of this tax cut in the aggregate, added all up, about half of it—this comes from the Office of Treasury, the U.S. Treasury Department—about half of that goes to persons whose incomes, families whose incomes are over \$100,000 a year.

Mr. SANTORUM. Will the Senator yield?

Is the Office of the Treasury the official estimator of the tax provisions in the U.S. Congress?

Mr. DORGAN. I say to the Senator from Pennsylvania, it is difficult for us to get estimates on a very timely basis out of the Joint Tax Committee.

Mr. SANTORUM. The Joint Tax Committee is the official estimator?

Mr. DORGAN. Yes, and I am happy to give information from them except I would not get it the way your side has done it. What happened, you give us a bunch of tables and tell us the impact of the tax but do not count the change in the earned income tax credit, by the way. Do not count that. Then give us the table and tell us what we are doing. So they get the tables, and I say, what is this? These are not tables. They do not mean anything. They are not accurate.

So the information I have received from the Department of the Treasury shows that about half of the tax breaks will go to families with incomes over \$100,000. That is a debate we will have later.

I guarantee you this: There is not any way, there is not any way that we

will find that 90 percent of the tax breaks go to families under \$100,000. That will not happen.

I will also say, the Joint Tax Committee has said the GOP plan increases taxes on about 51 percent of the Americans, if you consider the earned-income tax credit changes. So that is the other side of this debate. We will have a long and tortured debate in the days ahead.

The Senator from Utah and Senator from Delaware, I think, are seeing their patience worn thin by this. But I did just want to respond to the proposition that the President's budget was not in balance. He is correct about that. But my point is, your budget is not in balance either. It is a fair piece out of balance.

I will not offer my second amendment. I should say to my friend, however, I am very tempted because my second-degree amendment would just ask us to vote on the same proposition we voted on last night except to say, "Would you agree at least then to limit the earnings to those below a half a million dollars? If you will not agree to \$100,000 or \$250,000, would you agree at least to limit the tax cut to those whose income is under a half a million dollars? And I am sorely tempted to offer that as second-degree amendment, but I will not do that because I know the Senator intends to withdraw his amendment.

Mr. HATCH. I know this is an important debate, and I do not want to interject myself, but I want to move this bill.

Mr. DORGAN. I yield the floor.

Mr. LOTT. Mr. President, there were so many things that were said in the exchange a few moments ago between the Senator from North Dakota and the Senator from Pennsylvania that I want to comment on that and I hardly know where to begin. But I cannot leave many of those statements on the RECORD without some comment.

The Democratic National Committee continues to run a spot that says this about the President's budget:

These are the values behind the President's balanced budget plan, values Republicans ignore.

He continues to talk about the fact that he has a balanced budget. We all know that is not true.

With regard to Social Security, I should note, by the way, that the President's budget treats Social Security the same way that the budget we are going to vote on later on this week treats that matter. The President does not have a balanced budget in 10 years, 9 years, or 8 years, for that matter. Now the Senate has spoken I think more than once, but also in the vote we just had, 96 to zero, repudiating the President's budget.

That having been done, I think it is time for us to really get serious about doing this job and balancing the budget. It is not easy. It is never easy. But we have a historic opportunity this time to actually make the commitment to balance the budget in 7 years.

I thought some of the President's comments during the past week had been positive, and what he had to say about tax increases. He said, you know, that he probably raised them too much. And he himself got around to saying yes, we can probably balance a budget in 7 years. Now there has been a lot of give and take on that. But we are getting closer together I thought.

But my question here this afternoon is when is the President going to get serious about talking to the Congress and working with the Congress in getting this job done? Everybody says we are going to have to come to some accommodation. Everybody says we need a balanced budget. What I want to know is when is that going to happen? I do not see any movement in that direction from the President, or from his representatives. It is just not occurring. The communication is just not occurring.

So the Congress has an obligation to go forward and fulfill the commitment that we made in our budget resolution earlier this year. That is what we are going to do in the next 2 or 2½ days. We are going to pass a reconciliation bill that keeps our commitments to a balanced budget in 7 years, that does reform Medicare. And I want to emphasize on Medicare once again that our Medicare reforms would allow for Medicare spending to increase 6 percent over that 7-year period, 6 percent each year which is double what inflation will allow. So we are going to have a significant increase every year over the previous year of what can be spent for Medicare. We are going to have genuine reform that saves and preserves the program. We are going to have Medicaid reform, and we are going to have tax cuts.

I know that it is a very easy thing to do, I guess, here on the floor of the Senate—to attack the tax cut, as the Senator from North Dakota did a while ago. But when you go down the list and start asking Senators which one of these tax cuts do you oppose, then their attitude changes. Who among us does not want to get rid of the marriage penalty? For 20 years—at least 10 years—I have been hearing that we need to get rid of this marriage penalty that penalizes people where they have to pay more taxes when they get married. Maybe that goes to upper income, lower, or middle income. But the question is, is the marriage penalty wrong? The answer is that it absolutely is. We ought to eliminate it.

On spousal IRA's, who among us wants to argue that a spouse working in a home should not be able to have an IRA like everybody else? That spouse is prohibited. That is what is in this bill. We want to encourage savings. IRA's, Individual Retirement Accounts, will do that.

Capital gains tax rate cuts will provide growth in the economy and create jobs.

Here is an interesting tidbit that is ignored around here. Even in spite of

this very small \$245 billion tax cut, revenue to the Federal Government will go up \$3.3 trillion over the next 7 years. We are not exactly starving the Federal Government for revenue. That is \$3.3 trillion on top of all the revenue that is already coming into the Federal Government.

So to allow some of the people that are working and paying the taxes to keep a little bit of their tax money for families with children, to be able to get a little tax credit to help them pay for the needs of their children makes good sense to me.

With regard to the balanced budget and the so-called cuts, or the controlling of spending that we are doing in our budget resolution, I point out once again that in spite of the controls on spending which we include, spending will still go up \$2.6 trillion over the next 7 years; not exactly putting the Federal Government on a diet when it still will go up \$2.6 trillion. The truth of the matter is we probably should be cutting spending a lot more, but we have an orderly, planned package. This is a fair package, a balanced package in the cuts and controls in spending, and also in the tax cuts.

I continue to hear also some remarks that maybe we ought to let the Treasury decide what the tax numbers are, or the Joint Commission on Taxation. You know, I think it ought to be the Congressional Budget Office, not the Office of Management and Budget. And the President said on February 17, 1993, that the Congressional Budget Office was normally more conservative, and what was going to happen was closer to right than previous Presidents have been.

We should use the Congressional Budget Office. We should not use smoke and mirrors this time in getting to a balanced budget. We should not use rosy economic assumptions. We should not assume that medical inflation is coming down dramatically and use that to try to cover up what the truth is about the budget deficit numbers. We ought to go ahead and face up to the tough votes on cutting and controlling spending.

Also, it is continued to be suggested that, well, maybe we should change the Consumer Price Index.

Look, anything we do to change those numbers is just going to allow us to find a way to duck the tough choices of controlling spending and allowing the people who pay the taxes to keep a little of their revenue to look after their own families and make their own decisions.

I am glad we put the decision to rest. The President's budget did not really exist in the first place. We just had a vote of 96 to nothing to say we are not going to consider that. And so now let us move on to tomorrow and Thursday and taking up, considering a real budget resolution and reconciliation package that will provide a true balance over the next 7 years.

Mr. President, I yield the floor.

Mr. HATCH. I move the bill.

Mr. LOTT. What is the pending business, Mr. President?

AMENDMENT NO. 2946, AS MODIFIED

The PRESIDING OFFICER (Mr. ABRAHAM). There is no specific order to moving the bill. The question is on the amendment of the Senator from Pennsylvania, at this time. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, could I yield to the distinguished Senator from Kentucky?

Mr. FORD. Mr. President, I would like to have the floor in my own right. I do not think the Senator from Pennsylvania has withdrawn his amendment yet. There is a pending amendment.

The PRESIDING OFFICER. Right.

Mr. SANTORUM. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2943), as modified, was withdrawn.

AMENDMENT NO. 2946

(Purpose: To provide for the appointment of 1 additional Federal district judge for the western district of Kentucky, and for other purposes)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], proposes an amendment numbered 2946.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

**SEC. 2. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY.**

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the western district of Kentucky.

(b) EASTERN DISTRICT.—The district judgeship for the eastern and western districts of Kentucky (as in effect before the date of the enactment of this Act) shall be a district judgeship for the eastern district of Kentucky only, and the incumbent of such judgeship shall hold his office under section 133 of title 28, United States Code, as amended by this section.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under this section, such table is amended by amending the item relating to Kentucky to read as follows:

“Kentucky:

“Eastern .....	5
“Western .....	5”.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I rise today to introduce an amendment to correct a longstanding problem in my State of Kentucky. There is an old expression that goes, “justice delayed is

justice denied.” Well many in Kentucky are being denied justice and if it were not for an extremely hardworking and dedicated judiciary, many more would feel the same.

The situation is nothing short of critical. For several reasons Kentucky is in a unique situation. It has what is known as a “swing” judgeship. That means a judge is shared between two districts. In this case it is the eastern and western districts. Being largely a rural State, the communities that hold court are usually a long way from each other and the only means of travel is by car over bad roads that wind through the mountains.

This situation is far more troubling than many of my colleagues from other areas of the country may realize. Long trips by judges after hours or before court take up a significant amount of time—a judge would normally spend hearing cases. In fact, without the difficult travel requirements, I probably would not be troubling the Senate with this amendment. Unfortunately, I must—the problem is just too great.

Juries also travel great distances. This results in jurors who would rather deliberate late into the evening—sometimes into the early morning—in order to avoid travel home and back for additional days of deliberations. This poses still further hardships on the judges who are then forced to stay up late and then travel to court in the next jurisdiction the very next day.

Furthermore, new gun control legislation has dramatically affected cases in Kentucky. Many times a more routine drug bust or other arrest turns into a time consuming and difficult case because of the presence of the firearm. The practical effect of this has been a large increase in long cases that tie up the judges, keeping them from getting to other matters on their dockets. Civil cases in many instances have been held to a stand still.

Mr. McCONNELL. Mr. President, I would like to speak in support of the effort by my senior colleague to relieve the burdensome situation within the Federal judiciary in Kentucky. I commend him for his leadership on this issue.

We have two districts in Kentucky's Federal court. And we have one judge who splits her time between the eastern and western districts. In order to fulfill her responsibilities, she often logs hundreds of miles each week. She has two principle offices and must attend administrative meetings for both districts. This is an inefficient use of her time and represents valuable time away from managing her caseload. And, this situation is no reflection on the current judge who occupies this position. These are the identical circumstances that existed with the prior occupant of this position.

I realize it may not be feasible to create a single additional Federal judge at this particular time. I am aware of the complicated balancing act that must

occur any time the number of Federal judges is evaluated.

Nevertheless, I join with my senior colleague in drawing the Senate's attention to our particular circumstances in Kentucky. When the Senate Judiciary Committee considers additional Federal judges, I hope the members of the committee look at the swing judge in Kentucky. And, I urge the Administrative Office of the U.S. Courts to examine this unique situation.

I thank Senator FORD for his leadership on this issue.

Mr. FORD. Mr. President, I am not going to take any additional time on this because I know the chairman of the Judiciary Committee is itching to get away from here, and I do not blame him. It was about 3 hours ago, I think. But what I have is a split judgeship, one in the eastern part of Kentucky, one in the west. The youngest judge is assigned to the east and the west. So we have some going to the mountains and some going to the flatlands of west Kentucky, and this one judge spends 5 and 6 hours on the road. If the jury is out until 2 o'clock in the morning, then makes their judgment, comes in, the judge is back in the car and has to drive another 5 or 6 hours. It is absolutely a horrendous situation.

Mine is not the only State. Missouri has split judges, Oklahoma has split judges. But we just have one. And when you traverse the State from Pikeville in the far east to Paducah in the far west, it is some 600 miles. So it gets to be a tremendous burden.

What I am asking in this amendment is to allow Kentucky to have an additional judge. That additional judge, then, would mean that we would have a full-time judge in eastern Kentucky and not divided with the west. We would also, then, have a full-time judge in the west. And we would see that the court docket was reduced tremendously.

Mr. HATCH. If the Senator will yield, we understand the Senator's problem and we are concerned about it. As of right now, there is a real question as to whether we can justify another judge in that State. But I am willing to talk with the Senator and try to work this out, if we can, over the immediate future and see if there is some possible way we can solve it. If there is not, we will be straight up with the Senator and let him know, but I am willing to try to see what we can do.

We would like to pass this bill because it is a temporary judgeship bill that, really, nobody has any objections to, and that literally will solve a lot of very important problems for the courts. We would like to do it without amendment if we can.

Mr. FORD. Mr. President, I understand what the distinguished Senator from Utah is saying. But, if I did not bring notice—

Mr. HATCH. I understand.

Mr. FORD. To this body and to the Judiciary Committee, through this

method, which is the only one I have, then I think I would be remiss in representing my State.

Mr. HATCH. We understand.

Mr. FORD. There is a lot more to dispensing justice than the number of cases. What we are doing now is, the youngest judge, a female judge, is on the road day and night. And that is justice delayed. She is absolutely working her heart out, getting a driver, dictating, writing while she is on the road, trying to accommodate the lawyers in the cases and the courts in which she is assigned.

So it is fine for you to say you will work with me. The commission sent a report, in which it gave us an extra judge in Kentucky, which would have solved our problem. I understand the commission withdrew their suggested increases. Now we are in limbo and I do not know where we are.

I will not accept "we will try sometime in the future, next year." I would like to try sooner than that, if I could. Because the judge is being overworked by travel, by court cases.

We have an excellent judiciary in Kentucky. They are working hard to eliminate the burden of cases. But, under the circumstances, we are not able to do that and it is not the number of cases per judge that creates the problem for us.

Mr. HATCH. If the Senator will yield, I do not think Kentucky could have better advocates than the two Senators that currently represent Kentucky. I understand the issue. All I can say is, in good faith, we will try to work with the Senator and try to resolve it. But I would like to not have to go to a vote on this amendment, because I would have to oppose it under these circumstances and I would prefer not to do that if we can somehow or other find our way clear to working out this problem.

As far as I am concerned, the Senator is a leader in this body. I have every desire to try to accommodate him if we can.

Mr. FORD. Mr. President, I will, in just a moment, withdraw it. It is not very often I come before my colleagues and ask for something other than what I think is—

Mr. BIDEN. Will the Senator yield before he withdraws?

Mr. FORD. I will be glad to.

Mr. BIDEN. Mr. President, I think the Senator from Kentucky makes a very valid point. I, for one, think there is justification for Kentucky having another judgeship.

Frankly, one of the things the Senator from Utah and I talked about earlier in the process—not today, but in the year—was this notion of whether or not we need an additional judgeship bill, period, nationwide. And the answer is we do.

Mr. HATCH. Yes, we do.

Mr. BIDEN. So we do need additional judges, in my view.

I am not referencing any particular Senator when I say this. And I mean

this literally: Not referencing any particular Senator. But we are getting into the field, the time and space, where it is going to be hard to get judges moving through here at all.

As some will remember, when President Bush was in his last year, last days in the Presidency, I, along with the Senator from Utah—we pushed through literally another 17 or 18 judges in the last 4 or 5 days of the session. I hope that spirit exists here.

But in fairness, both President Bush and President Clinton suffered from the same problem. They took too darned long in getting a lot of their nominees up here for us. But we are where we are now. I cannot speak and do not intend to speak for the Senator from Utah. I expect that had things moved more quickly we may have been in a position to be pushing the judgeship bill overall. My guess is that the political reality would be that we are not likely to get that done until the next election settles, whether or not we will get it done.

That is a long way of saying I think on the merits the Senator from Kentucky is correct about the need in Kentucky. I would add in addition to that that the Senators from several other States are in very difficult shape. For example, in the southern district of Florida, they could use a handful more judges just to get their docket up and running to be able to handle civil cases because they have so many criminal cases; in southern California, in Texas, in New York. So there are a lot of places we need extra judges.

I compliment the Senator from Kentucky for making the case for his State. The whole purpose of my speaking these 5 minutes or so is to make the point for the RECORD. On the record, for the RECORD, the Senator from Kentucky has a case. I believe he is correct. I will tell him I will do all I can immediately to try to get him an additional judge. But he knows the system as well as I do, and, quite frankly, better than anyone that I know. I would not want him to bet the mortgage on—he probably does not have a mortgage anymore—but I would not want him to bet the farm or the house on us getting this done very quickly. But I support him, and I think he is substantively correct.

Mr. FORD. I thank my friend from Delaware, and I also thank my friend from Utah.

Mr. President, I am reluctant to do this but I understand where we are coming from. We will revisit this question, and if we do not vote, if I do not get it the first time, it may be the second time and it may be the third time. I am going to be persistent.

So, therefore, Mr. President, I withdraw my amendment.

So, the amendment (No. 2946) was withdrawn.

Mr. HATCH. Mr. President, I thank my colleague for that.

Mr. LEVIN. Mr. President, today the Senate will consider legislation to extend the temporary judgeships created

by the 1990 Federal Judgeship Act from 5 years or more from the date of enactment of the act to 5 years or more from the confirmation date of the judge named to fill the temporary judgeship created in that act.

Of the 13 temporary Federal judgeships created by the 1990 act, only Michigan will be exempt from today's extension. This is because the Michigan Western District judges do not want to preserve this seat because they don't believe it can be justified by their caseload. I ask unanimous consent to insert in the RECORD the attached Grand Rapids Press article on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Grand Rapids Press, Oct. 14, 1995]  
IN STRANGE MOVE, JUDGES SAY THEY DON'T  
WANT NEW COLLEAGUE  
(By Arn Shackelford)

West Michigan federal judges have shocked members of the area's Republican delegation by maintaining they don't need any more judges.

The judges last month wrote to U.S. Sen. Spencer Abraham, R-Michigan, requesting that the federal Western District of Michigan be excluded from a bill that likely would bring another federal jurist to the area.

"We were surprised to hear they were saying no," said Lee Liberman Otis, Abraham's chief judicial counsel. "It's very unusual for people in the federal government—or anywhere else—to say, 'We don't need extra people to help us with our work.'"

The bill, which is sponsored by U.S. Sen. Orrin Hatch, R-Utah, and likely will be passed this year, would extend the Federal Judgeship Act of 1990. The act, under which U.S. District Judge Gordon Quist was appointed, created "temporary" judgeship for five years, or through December.

Quist's judgeship doesn't evaporate that month, but if one of the district's five active judges takes senior status, retires or dies before that time, that vacancy would not be filled by a new judge.

Under the Hatch bill, the period during which another judge could be appointed will be extended to five years from whenever temporary judges were sworn in. That would be Aug. 28, 1997, in Quist's case.

"But the judges in this district decided we did not need to have the position renewed," said U.S. District Chief Judge Richard A. Enslen. "We think we can get along with four judges and four magistrates."

The federal Western District of Michigan—which includes all counties in the western half of the state and the entire Upper Peninsula—now has five active judges, four magistrates and two senior judges.

The active judges, who carry a load of about 225 civil cases and 50 criminal cases, include Robert Holmes Bell, Enslen, Benjamin F. Gibson, David McKeague and Quist. The magistrates, who handle most arraignments, misdemeanor cases and motions are Hugh W. Brennenman Jr., Joseph G. Scoville, both based in Grand Rapids; Doyle A. Rowland in Kalamazoo; and Timothy P. Greeley in Marquette.

But the senior judges, Douglas W. Hillman and Wendell A. Miles, also are hard at work in the district and handle at least a quarter of the civil cases the others do.

Federal judges, who are paid \$133,600 annually, can take senior status when they reach 65 and have enough years of service to total 80. Even though they continue on full salary

until they die, they can leave the bench as soon as they move to the new status.

Neither Hillman nor Miles has chosen to do so. And Gibson, who announced earlier this year that he will take senior status next August, said that he, too, will continue to work on cases in this district.

"One of the reasons we're in good shape is because we do have the two senior judges still working," Enslen said. "That's a good deal for taxpayers. The best bargain in America is a (federal) judge who reaches retirement age and doesn't walk away."

As once was the case, lawsuits aren't piled up waiting to be heard for long periods in this district, the judges say. In addition to help from the senior judges, fewer cases are being filed now than in the past, and the court also reduced some of what was a backlog by implementing "differential case management." That process assigns lawsuits to different time tracks, limits what attorneys may do, and moves cases along quickly.

Still, if West Michigan isn't excluded from the Hatch bill, a new judge could be appointed to fill the vacancy Gibson's move to senior status will create. And if Enslen decided to move to senior status before August 1997, the district would be slated for two new judges.

Otis, who said West Michigan likely would be excluded from the bill, said the district was the only one to make such a request.

"Most of the other areas are saying, 'Yes; we want this extended,'" she said. "This is very good of your judges. They could use their extra time playing golf."

Mr. ABRAHAM. Mr. President, I am delighted to support S. 1328. I just want to address one aspect of this legislation: why the bill does not extend the temporary district judgeship in western Michigan.

That judgeship is not being extended because the judges of the western district contacted the offices of members of the Judiciary Committee, including mine, and requested that it not be extended. I will admit that I was surprised to receive this request. It is, I believe, the only request I have received on behalf of any government entity to give it fewer resources. Indeed, I was so surprised I thought I should see if there was some hidden agenda behind it.

Remarkably enough, however, there proved to be none. Rather, the judges in the western district were simply saying the following:

"We believe the government should be run for the benefit of the governed. We are volunteering to work longer hours and take fewer vacations with no gain to ourselves in order to live up to that obligation. We also appreciate the efforts of our senior judges, who in many cases are continuing to carry very full dockets despite being under no obligation to do so."

"For these reasons, we do not need this judgeship. Not filling it will thereby save the taxpayers millions of dollars. To be sure, given the size of the deficit, that will not make that much of a dent. But we believe it is our responsibility to do our part in reducing the size of the government, and the burden it places on taxpaying American citizens."

While there is much talk of shared sacrifice, there are not very many of-

fers to take on a greater share of it. I simply want to express my thanks, and the thanks of my fellow Michiganders, to the western district judges, for making this unusual request, to which my colleagues and I are glad to accede.

Mr. HEFLIN. Mr. President, I rise today as a cosponsor of S. 1328, a bill to amend the commencement dates of temporary judgeships that were created under section 203(c) of the Judicial Improvements Act of 1990.

This legislation created 13 temporary judgeships in districts throughout the United States, one of which is in the northern district of Alabama, and the act provided that the first vacancy in the office of a district judge in those 13 districts occurring after December 1, 1995 would not be filled.

The reason this legislation is necessary is because delays occurred in the nominations and confirmations of the 13 judgeships created by the 1990 act. Thus, many districts have had a relatively short time in which to utilize the services of these temporary judgeships. For instance, in the northern district of Alabama, our new judge, the Honorable Sharon Lovelace Blackburn, was not confirmed until May 28, 1991. She has served with remarkable distinction and is a very hard working and dedicated U.S. district judge.

What is important to remember, as we seek to pass this legislation, is that the delays in filling these temporary judgeships frustrates the intent of Congress back in 1990 to reduce the backlog of cases pending in these 13 districts.

The bill before this body today provides that the first district judge vacancy occurring 5 or more years after the confirmation date of the judge appointed to fill the temporary judgeship will not be filled. Thus, each of these 13 districts, with the exception of the western district of Michigan which requested to be excluded from coverage under this bill, will benefit from an extra judge for a minimum of 5 years regardless of how long the judge's confirmation took. I urge my colleagues' support for S. 1328.

Mr. HATCH. Mr. President, as far as I am concerned the bill is ready for a vote.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading was read the third time, and passed as follows:

S. 1328

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by striking out the last sentence and inserting in lieu thereof "The first vacancy in the office of district judge in each of the judicial

districts named in this subsection, except the western district of Michigan, occurring 5 years or more after the confirmation date of the judge named to fill a temporary judgeship created by this Act, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled."

Mr. HATCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, on behalf of the leader, I want to announce that there will be no further votes tonight.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

#### PRESIDENTIAL BUDGETS

Mr. FORD. Mr. President, I hear all this talk about the budget every day and everybody says the same thing. We could probably just have a tape recording of what we said yesterday, and we get the same thing again today.

Senators act like this is the first budget that has ever been brought before the House or the Senate submitted by a President that has been voted on that did not get any votes.

The distinguished Senator from Mississippi talked about 96 to nothing or 99 to nothing. Remember Ronald Reagan's 425 to nothing in the House. I believe that is correct. I see him shaking his head. So there have been a lot of budgets that have been dead on arrival. Even the Republicans have voted against a Republican President's budget. So this is not new. Senators act like this is the first time for it to ever happen, this is the worst fellow that has ever been up there.

If turning budgets down makes a bad President, then we have had some Republicans up there who had their budgets turned down, so they were not very good Presidents that we are now bragging about.

One statement has been made here that we ought to quit this smoke and mirrors, and we ought to sit down and we ought to do it rather than beating up on the President. You have responsibility; I have responsibility; we all have responsibility to try to get it worked out. We take CBO figures. We take CBO figures and we get letters from the Director of CBO which state the Republican budget is not in balance by \$105 billion.

We did not select that chairman. The majority selected that chairman. That chairman sent us the letter, and we now have it, which says the budget that is being proposed is \$105 billion short.

So what I wish to do, Mr. President, is not stop the Pell grants for my State. I do not want to reduce or eliminate the help for 55,000 higher education students in my State. We are in a global market. We are in global competition. Education is the great equalizer. But oh, no, we are increasing, you hear from the other side, Pell grants by \$100. That may be true, but you are eliminating—if you are not eligible for \$600, you are eliminated from the rolls. So in Kentucky we lose 6,000 Pell grants next year alone—next year alone.

So it just is a little bit disconcerting to me to hear all of these things, and the public ought to be quite confused, quite confused because you get a CBO letter with a gold seal on it that says the budget is balanced, and the next day you get one that says it is not—from the same office, signed by the same person as it relates to whether Social Security is in the trust fund and loaned or it is in the general fund. It cannot be both places. You can say what you want to and argue all day. I do not believe you can find a jury that would say in this particular case that it is both. You can borrow from it and spend it, but the assets are over in Social Security. It cannot be used twice. And so we do not have it.

So the point I am trying to make here, Mr. President, is that we can take care of Medicare without cutting it \$270 billion; \$89 billion is enough. We do not need to put the middle-income people in a problem, and the middle-income people, \$35,000 to \$70,000, is where I would say they are as it relates to Medicaid and nursing homes because you are going to run out of money. That is going to fall on the shoulders of the sons and daughters of the \$35,000 to \$70,000 income families at some point when their parents are in a nursing home on Medicaid and the phone rings about the latter part of July, 1st of August saying, "Come and get dad; come and get mom; we are out of money."

And you change the rules in this bill on regulations on nursing homes. You change the rules as they relate to regulations on nursing homes. Let States do it. The reason the Federal Government is in the business of regulating nursing homes is because the States had it. And the statement has been made, OK, just sedate the elderly; you can handle them easier; then you have fewer employees, you will need fewer employees.

Well, that is just one giant indication that we are headed back to the same place we were when we had to take over the regulation of the nursing homes.

One of the things that we see coming down the pike is hiding the sale of power marketing administrations in

the House bill on page about 470-something where it is now the Secretary of Energy, Interior and Army cannot sell PMA's, but in the House bill you repeal those three and then you instruct those three Secretaries to have a report on how to sell PMA's by the end of next year. And now you have put it in the appropriations bill, and those that are opposed to the sale of PMA's, you better go look at the appropriations bill, Interior bill, and see what they have done there and refuse to sign the conference report until the PMA sale is in that appropriations bill.

I see the Senator looking at his watch. I will quit any time he wants me to.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I would have looked at my watch sooner.

Mr. FORD. I would not have quit sooner, though.

#### FOUR CHANGES TO BE MADE

Mr. THOMAS. I want to talk a little bit about the business that we are approaching this week. It seems to me it is the most important opportunity that we have had in 25 years, and the Senator and the previous speakers talked about the reasons why we cannot make these changes and the reasons why this is wrong and the reasons why it has to be some other way. The real test is that we have been talking that way for 25 years, and the results speak for themselves.

We find all kinds of reasons why we cannot balance the budget. So what has the result been? A \$5 trillion debt. It has resulted in the interest on the debt being the largest single line item in the budget. But we have been talking that same talk for 25 years: Cannot do it.

I wish to talk a little bit about why we should do it and why we have the greatest opportunity we have had in a very long time to do the same, to complete at least four things that I think most of us, particularly most of us that are new here, apparently came here to do, and it is the first time there has been a chance to do that, and I wish to talk about the benefits of doing it.

They are four changes that need to be made and four changes that can be made in the next couple of weeks, fundamental changes, not messing around the edges, not talking about change but never doing it. All of us have watched this Government for a long time. Most of us have watched this Congress talk about it; we want change. The fact is, it has not changed. The fact is, the debt has continued to grow. So we have a chance to make some fundamental changes, to not only turn around the arithmetic but to turn around the morality and the fiscal responsibility of making this Government sound within. Maybe more importantly than that, shaping the Government in the way that you would like to